



Iowa General Assembly
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January 23, 2012

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House File 2063 - Introduced

HOUSE FILE 2063

BY MURPHY, HUNTER, ISENHART,
SWAIM, KEARNS, GASKILL,
H. MILLER, COHOON,
STECKMAN, and R. OLSON

A BILL FOR

1 An Act relating to small business development by making
2 an appropriation to match a federal grant and including
3 effective and retroactive applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5470YH (5) 84
ad/nh



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H.F. 2063

1 Section 1. ECONOMIC DEVELOPMENT AUTHORITY — SMALL BUSINESS
2 DEVELOPMENT APPROPRIATION.

3 1. There is appropriated from the general fund of the state
4 to the economic development authority for the fiscal year
5 beginning July 1, 2011, and ending June 30, 2012, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For matching the federal grant for the state small business
9 credit initiative:

10 \$ 13,168,350

11 Of the moneys appropriated in this subsection, \$8,000,000,
12 or so much thereof as is necessary, shall be used for the Iowa
13 small business loan program.

14 2. Notwithstanding section 8.33, moneys appropriated in
15 this section that remain unencumbered or unobligated at the
16 close of the fiscal year beginning July 1, 2011, and ending
17 June 30, 2012, shall not revert but shall remain available for
18 expenditure for the purposes designated until the close of the
19 succeeding fiscal year beginning July 1, 2012, and ending June
20 30, 2013.

21 3. The economic development authority shall evaluate the
22 viability of creating a state program to match the federal
23 capital access program.

24 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
25 immediate importance, takes effect upon enactment.

26 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
27 retroactively to July 1, 2011.

28 EXPLANATION

29 This bill appropriates funds to the economic development
30 authority to match a federal grant for the state small business
31 credit initiative (SSBCI). The bill appropriates approximately
32 \$13.2 million to match the federal grant for the SSBCI. Of
33 the state money appropriated for the SSBCI, the bill provides
34 that \$8 million shall be used for the Iowa small business loan
35 program. The bill provides that the moneys appropriated are

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1 not subject to reversion and remain available for expenditure
2 for the purposes designated for the succeeding fiscal year.
3 The bill requires the economic development authority to
4 evaluate the viability of creating a state program to match the
5 federal capital access program. The bill is effective upon
6 enactment and applies retroactively to July 1, 2011.



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House File 2064 - Introduced

HOUSE FILE 2064
BY SCHULTE and T. OLSON

A BILL FOR

1 An Act relating to the practice of interventional pain medicine
2 and providing for a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5155YH (5) 84
jr/nh



Iowa General Assembly
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H.F. 2064

1 Section 1. NEW SECTION. 148F.1 Title.

2 This chapter shall be known and may be cited as the
3 *"Interventional Pain Management and Treatment Patient Safety*
4 *Act"*.

5 Sec. 2. NEW SECTION. 148F.2 Definitions.

6 For purposes of this chapter, unless the context otherwise
7 requires:

8 1. *"Acute pain"* means pain that is temporary and results
9 from something specific, such as a surgery, a broken bone,
10 labor and childbirth, dental work, a cut, or a burn.

11 2. *"Chronic interventional pain medicine"* means the
12 diagnosis and treatment of chronic pain-related disorders
13 primarily with the application of interventional techniques in
14 managing chronic, persistent, and intractable pain. *"Chronic*
15 *interventional pain medicine"* does not include treatment of
16 acute pain or the administration of anesthesia-related services
17 in the operating room or emergency room setting.

18 3. *"Chronic pain"* means pain of any etiology associated with
19 a chronic medical condition or extending in duration beyond
20 the expected temporal boundary of tissue injury and normal
21 healing and adversely affecting the function or well-being of
22 the individual.

23 4. *"Fluoroscope"* means a radiologic instrument equipped with
24 a fluorescent screen on which opaque internal structures can
25 be viewed as moving shadow images formed by the differential
26 transmission of X rays throughout the body.

27 5. *"Interventional techniques"* means through the skin needle
28 placement through which drugs are then placed in targeted
29 areas, nerves are ablated, or certain surgical procedures
30 involving injection of steroids, analgesics, or anesthetics
31 are performed. *"Interventional techniques"* includes but is not
32 limited to the following:

33 a. Lumbar, thoracic, and cervical spine injections,
34 intra-articular injection, intrathecal injections, and epidural
35 injections, both interlaminar and transforminal.

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- 1 *b.* Facet injections.
- 2 *c.* Discography.
- 3 *d.* Nerve destruction.
- 4 *e.* Occipital nerve blocks.
- 5 *f.* Cervical, thoracic, or lumbar sympathetic blocks.
- 6 *g.* Intradiscal electrothermal therapy.
- 7 *h.* Spinal cord stimulation or peripheral nerve stimulation.
- 8 *i.* Intrathecal pump placement.
- 9 *j.* Ablation of targeted nerves.
- 10 *k.* Vertebroplasty.
- 11 *l.* Kyphoplasty.
- 12 *m.* Utilization of fluoroscopy, computerized tomography,
- 13 or ultrasound when such devices are used to assess the cause
- 14 or location of a patient's chronic pain or as a means of
- 15 accurately directing needles, catheters, or electrodes as part
- 16 of a therapeutic modality for chronic pain treatment.
- 17 *n.* Other interventional techniques approved by the board of
- 18 medicine.

19 Sec. 3. NEW SECTION. 148F.3 Prohibited practices —
20 exemptions.

21 1. A person shall not practice or offer to practice chronic
22 interventional pain medicine in this state unless such person
23 meets at least one of the following requirements:

24 *a.* Completion of one of the following types of advanced
25 specialty training in interventional pain medicine:

26 (1) Successful completion of a pain medicine fellowship
27 training program recognized by the accreditation council
28 for graduate medical education or approved by the American
29 osteopathic association, evidenced by documentation verifying
30 such successful completion.

31 (2) Successful completion of an American osteopathic
32 association or American board of anesthesiology approved
33 residency in anesthesiology, or of another American board
34 of medical specialties residency and subspecialty training
35 in interventional pain medicine, evidenced by documentation

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1 verifying such successful completion.

2 **b.** Receipt of one of the following types of board
3 certification:

4 (1) Board certification in pain medicine from one of
5 the following certifying bodies: the American board of
6 anesthesiology, the American board of physical medicine
7 and rehabilitation, or the American board of psychiatry
8 and neurology, evidenced by documentation verifying such
9 certification.

10 (2) Board certification from the American board of
11 pain medicine, evidenced by documentation verifying such
12 certification.

13 2. Notwithstanding subsection 1, the designated licensees
14 may perform the specified procedures as follows:

15 **a.** Anesthesiologists who are medical or osteopathic
16 physicians licensed under chapter 148, with board certification
17 in their primary specialty and active credentials to practice
18 at a health care institution accredited by the state of
19 Iowa may perform interlaminar epidural steroid injections if
20 credentialed to do so at that health care institution.

21 **b.** Medical or osteopathic physicians licensed under chapter
22 148 may perform intra-articular injections in accordance with
23 standards of care as determined by the board of medicine in
24 rule.

25 **c.** Podiatrists licensed under chapter 149 or dentists
26 licensed under chapter 153 may perform chronic pain
27 interventional procedures solely within the limits of their
28 specialty in accordance with standards of care as determined by
29 the respective licensing boards in rule.

30 3. Any person who violates this section is guilty of
31 a serious misdemeanor as provided in section 147.86 and
32 is subject to the injunction, punishment, and enforcement
33 provisions set forth in chapter 147.

34 Sec. 4. NEW SECTION. **148F.4 Rules.**

35 The board of medicine shall adopt rules to implement and

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1 administer this chapter.

2 EXPLANATION

3 This bill establishes training and certification standards
4 for a person who wishes to practice chronic interventional pain
5 medicine. The person must either complete advanced specialty
6 training in interventional pain medicine or be certified by
7 a national board. The bill specifies the requirements for
8 either option. The bill does not create a specific license or
9 certification for chronic interventional pain medicine.

10 The bill exempts the following licensed professionals from
11 these training requirements in certain circumstances within the
12 scope of their training: anesthesiologists who are medical
13 or osteopathic physicians, medical or osteopathic physicians,
14 podiatrists, and dentists. The various licensing boards are
15 empowered to adopt rules detailing the standards of care for
16 the professions.

17 The bill provides that the board of medicine shall adopt
18 rules to implement and administer the bill.

19 The bill makes a penalty in Code section 147.86 applicable,
20 making it a serious misdemeanor to violate any of the
21 provisions of the bill.



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House File 2065 - Introduced

HOUSE FILE 2065
BY KEARNS

A BILL FOR

1 An Act relating to maximizing hospital-specific
2 disproportionate share hospital payments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5452HH (3) 84
pf/nh



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H.F. 2065

1 Section 1. DEPARTMENT OF HUMAN SERVICES — DIRECTIVE
2 REGARDING DISPROPORTIONATE SHARE HOSPITAL PAYMENTS. The
3 department of human services shall recalculate the
4 hospital-specific disproportionate share hospital limits for
5 the fiscal year beginning July 1, 2012, during the hospital
6 rebasing and recalibration process, and shall utilize the
7 federal disproportionate share hospital allotment for the state
8 to the maximum extent possible to provide payments to recipient
9 hospitals at the maximum hospital-specific limit level as
10 determined by the recalculation. The department shall amend
11 the medical assistance state plan as necessary to implement
12 this directive.

13 EXPLANATION

14 This bill directs the department of human services (DHS)
15 to recalculate the hospital-specific disproportionate share
16 hospital DHS limits for the fiscal year beginning July 1, 2012,
17 during the hospital rebasing and recalibration process, and to
18 utilize the federal DHS allotment for the state to the maximum
19 extent possible to provide payments to recipient hospitals at
20 the maximum hospital-specific limit level as determined by the
21 recalculation. The bill also directs DHS to amend the medical
22 assistance state plan as necessary to implement the directive.



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House File 2066 - Introduced

HOUSE FILE 2066
BY CHAMBERS

A BILL FOR

1 An Act related to the establishment of a state welcome center.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5491YH (2) 84
ad/rj



Iowa General Assembly
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H.F. 2066

1 Section 1. STATE WELCOME CENTER ESTABLISHMENT.

2 1. The economic development authority shall develop a
3 plan by January 15, 2013, in accordance with the relevant and
4 appropriate planning principles contained in section 15.272,
5 for the establishment of a state welcome center in proximity
6 to highway 60 and Hawkeye Point. In developing the plan, the
7 authority may do but is not limited to doing the following:

8 a. Arrange for the state department of transportation to
9 acquire title to land and buildings for use as and undertake
10 construction of a state-owned welcome center. In acquiring
11 property and constructing the welcome center, the state
12 department of transportation may use any funds available to it,
13 including but not limited to the RISE fund, matching funds from
14 local units of government or organizations, the primary road
15 fund, federal grants, and moneys specifically appropriated for
16 these purposes.

17 b. Contract with other state agencies, local units of
18 government, or private groups, organizations, or entities for
19 the use of land, buildings, or facilities as a state welcome
20 center or in connection with a state welcome center, whether
21 or not the property is actually owned by the state. If a local
22 match that is required for a welcome center is met by providing
23 land, buildings, or facilities, the entity providing the
24 local match shall enter into an agreement with the authority
25 to either transfer title of the property to the state or to
26 dedicate the use of the property under the conditions and
27 period of time set by the authority.

28 2. The economic development authority shall transmit
29 the plan developed under this section to the joint economic
30 development appropriations subcommittee and the legislative
31 services agency.

32 EXPLANATION

33 This bill relates to the establishment of a state welcome
34 center. The bill requires the economic development authority
35 (authority) to plan for the establishment of a welcome

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1 center near Hawkeye Point and highway 60 in Osceola county in
2 northwest Iowa by January 15, 2013. The authority must develop
3 the plan in accordance with the planning principles contained
4 in Code section 15.272.

5 The bill provides that in developing the plan the authority
6 may arrange for the department of transportation (DOT) to
7 acquire title to land and buildings. The DOT may use any funds
8 available to it for the purpose of acquiring title to land and
9 buildings for use as and construction of a state-owned welcome
10 center.

11 The bill provides that the authority also may contract
12 with other state agencies, local units of government, or
13 private organizations, groups, or entities for the use of
14 the land, buildings, or facilities as a state welcome center
15 or in connection with a state welcome center, regardless of
16 whether the property is owned by the state. The bill provides
17 that an entity providing a local match, if a local match that
18 is required for a welcome center is met by providing land,
19 buildings, or facilities, shall enter into an agreement with
20 the authority regarding the title of the property or the
21 dedicated use of the property.

22 The bill requires the authority to transmit the plan
23 developed to the joint economic development appropriations
24 subcommittee and the legislative services agency.



Iowa General Assembly
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House File 2067 - Introduced

HOUSE FILE 2067
BY LENSING

A BILL FOR

1 An Act relating to the transmission and recording of certain
2 death certificates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5595YH (1) 84
aw/sc



Iowa General Assembly
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H.F. 2067

1 Section 1. Section 144.26, subsection 3, Code Supplement
2 2011, is amended to read as follows:

3 3. a. The county in which a dead body is found is the
4 county of death. If death occurs in a moving conveyance,
5 the county in which the dead body is first removed from the
6 conveyance is the county of death.

7 b. If a decedent died outside of the county of the
8 decedent's residence, the state registrar shall send a copy
9 of the decedent's death certificate and any amendments to the
10 county registrar of the county of the decedent's residence.
11 The county registrar shall record a death certificate received
12 pursuant to this paragraph in the same records in which the
13 death certificate of a decedent who died within the county
14 is recorded. The state registrar may provide the county
15 registrars with electronic access to vital records in lieu of
16 the requirements of this paragraph.

17 EXPLANATION

18 This bill relates to the transmission and recording of
19 certain death certificates.

20 The bill requires that when a person dies outside of the
21 county of the person's residence the state registrar shall
22 send a copy of the person's death certificate to the county
23 registrar for the county of the person's residence. The bill
24 provides that, in lieu of this requirement, the state registrar
25 may provide county registrars with electronic access to vital
26 records. The bill also requires that a county registrar shall
27 record such a death certificate in the same records in which
28 deaths occurring in the county are recorded.



Iowa General Assembly
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House File 2068 - Introduced

HOUSE FILE 2068
BY KEARNS

A BILL FOR

1 An Act providing free motor vehicle registration for certain
2 disabled veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5640HH (2) 84
dea/nh



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H.F. 2068

1 Section 1. Section 321.34, subsection 12A, paragraph b,
2 Code Supplement 2011, is amended to read as follows:

3 b. An owner of a vehicle referred to in subsection 12 who
4 applies for any type of special registration plates associated
5 with service in the United States armed forces shall be issued
6 one set of the special registration plates at no charge and
7 subject to no annual registration fee if the owner is eligible
8 for, but has relinquished to the department or the county
9 treasurer or has not been issued, medal of honor registration
10 plates under subsection 8 or disabled veteran registration
11 plates under section 321.105, subsection 5 or 6.

12 Sec. 2. Section 321.105, Code 2011, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. A veteran with a service-connected
15 disability rated at thirty percent or higher shall be exempt
16 from payment of the annual registration fee provided in this
17 chapter for one vehicle, and shall be provided, without fee,
18 with one set of regular registration plates or one set of any
19 type of special registration plates associated with service in
20 the United States armed forces for which the disabled veteran
21 qualifies under section 321.34. The disabled veteran, to be
22 able to claim the benefit, must be a resident of the state
23 of Iowa. In lieu of the set of regular or special military
24 registration plates available without fee, the disabled veteran
25 may obtain a set of nonmilitary special registration plates or
26 personalized plates issued under section 321.34 by paying the
27 additional fees associated with those plates.

28 Sec. 3. Section 321.166, subsection 6, Code 2011, is amended
29 to read as follows:

30 6. Registration plates issued to a disabled veteran under
31 the provisions of section 321.105, subsection 5 or 6, shall
32 display the alphabetical characters "DV" which shall precede
33 the registration plate number. The plates may also display
34 a persons with disabilities parking sticker if issued to the
35 disabled veteran by the department under section 321L.2.

LSB 5640HH (2) 84

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dea/nh

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1 Sec. 4. Section 321L.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2011, is amended to read as follows:

3 (2) Persons with disabilities parking sticker. An
4 applicant who owns a motor vehicle for which the applicant
5 has been issued registration plates under section 321.34 or
6 registration plates as a ~~seriously~~ disabled veteran under
7 section 321.105, subsection 5 or 6, may apply to the department
8 for a persons with disabilities parking sticker to be affixed
9 to the plates. The persons with disabilities parking stickers
10 shall bear the international symbol of accessibility.

11 Sec. 5. Section 321L.2, subsection 5, Code 2011, is amended
12 to read as follows:

13 5. A seriously disabled veteran who has been provided with
14 an automobile or other vehicle by the United States government
15 under the provisions of 38 U.S.C. § 1901 et seq. (1970) is
16 not required to apply for a persons with disabilities parking
17 permit under this section unless the veteran has been issued
18 special registration plates or personalized plates for the
19 vehicle. The regular registration plates issued for the
20 disabled veteran's vehicle without fee pursuant to section
21 321.105, subsection 5, entitle the disabled veteran to all
22 of the rights and privileges associated with persons with
23 disabilities parking permits under this chapter.

24 EXPLANATION

25 This bill provides that a veteran of the United States armed
26 forces with a service-connected disability rated at 30 percent
27 or higher is exempt from the payment of annual registration
28 fees for one vehicle. The veteran is entitled to one set
29 of disabled veteran registration plates to be issued free of
30 charge. Currently, disabled veteran registration plates are
31 available only to seriously disabled veterans who have been
32 provided with an automobile or other vehicle by the United
33 States government. The veteran may substitute any of the
34 special plates associated with military service in lieu of the
35 disabled veteran plates without additional fee, or the veteran

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1 may substitute a set of personalized plates or nonmilitary
2 special plates upon payment of the additional fees associated
3 with those plates. The use of the free registration plates
4 passes to the surviving spouse upon the death of the veteran.



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House File 2069 - Introduced

HOUSE FILE 2069

BY T. OLSON, ABDUL-SAMAD,
BERRY, COHOON, GAINES,
GASKILL, HALL, HANSON,
HEDDENS, HUNTER, ISENHART,
JACOBY, KAJTAZOVIC,
KEARNS, KELLEY, KRESSIG,
LENSING, LYKAM, MASCHER,
McCARTHY, H. MILLER,
MUHLBAUER, MURPHY, OLDSOHN,
R. OLSON, PETERSEN,
RUNNING-MARQUARDT, M.
SMITH, STECKMAN, SWAIM,
T. TAYLOR, THEDE, THOMAS,
WENTHE, WESSEL-KROESCHELL,
WILLEMS, WINCKLER,
WITTNEBEN, and WOLFE

(COMPANION TO SF 2007)

A BILL FOR

1 An Act making an appropriation to the college student aid
2 commission for purposes of the national guard educational
3 assistance program and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5438YH (3) 84
kh/nh



Iowa General Assembly
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H.F. 2069

1 Section 1. 2011 Iowa Acts, chapter 132, section 2,
2 subsection 4, is amended to read as follows:
3 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
4 For purposes of providing national guard educational
5 assistance under the program established in section 261.86:
6 \$ ~~3,186,233~~
7 4,486,233

8 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 EXPLANATION

11 This bill increases the FY 2011-2012 appropriation made
12 to the college student aid commission under 2011 Iowa Acts,
13 chapter 132 (House File 645), by \$1.3 million. The program
14 provides educational assistance for members of the Iowa
15 national guard who are enrolled as undergraduate students in
16 a community college, a regents university, or an accredited
17 private institution.

18 The bill takes effect upon enactment.



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House File 2070 - Introduced

HOUSE FILE 2070
BY LYKAM

A BILL FOR

1 An Act relating to certain property taxes for joint county-city
2 buildings and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5480YH (5) 84
md/sc



Iowa General Assembly
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H.F. 2070

1 Section 1. Section 331.424, subsection 1, paragraph
2 a, subparagraph (5), Code 2011, is amended by striking the
3 subparagraph.

4 Sec. 2. Section 331.430, Code 2011, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 6. The taxes realized from the tax levy
7 imposed under section 346.27, subsection 22, for a joint
8 county-city building shall be deposited into a separate account
9 in the county's debt service fund for the payment of the
10 annual rent and shall be disbursed pursuant to section 346.27,
11 subsection 22.

12 Sec. 3. Section 346.27, subsection 22, Code 2011, is amended
13 to read as follows:

14 22. When an incorporating unit enters into a lease with
15 the authority, the governing body of the incorporating unit
16 shall provide by ordinance or resolution for the levy and
17 collection of a direct annual tax sufficient to pay the annual
18 rent payable under the lease as and when it becomes due and
19 payable. The tax shall be levied and collected in like manner
20 with the other taxes of the incorporating unit and shall be in
21 addition to all other taxes authorized to be levied by that
22 incorporating unit. This tax shall not be included within and
23 shall be in addition to any statutory limitation of rate or
24 amount for that incorporating unit. The ~~fund~~ taxes realized
25 from the tax levy shall be ~~set aside~~ deposited into an account
26 in the debt service fund of the incorporating unit for the
27 payment of the annual rent and shall not be disbursed for any
28 other purpose until the annual rental has been paid in full.

29 Sec. 4. Section 384.4, Code 2011, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 4. The taxes realized from the tax levy
32 imposed under section 346.27, subsection 22, for a joint
33 county-city building shall be deposited into a separate
34 account in the city's debt service fund for the payment of the
35 annual rent and shall be disbursed pursuant to section 346.27,

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1 subsection 22.

2 Sec. 5. Section 384.12, subsection 15, Code 2011, is amended
3 by striking the subsection.

4 Sec. 6. Section 403.19, subsection 2, Code Supplement 2011,
5 is amended to read as follows:

6 2. That portion of the taxes each year in excess of such
7 amount shall be allocated to and when collected be paid into
8 a special fund of the municipality to pay the principal of
9 and interest on loans, moneys advanced to, or indebtedness,
10 whether funded, refunded, assumed, or otherwise, including
11 bonds issued under the authority of section 403.9, subsection
12 1, incurred by the municipality to finance or refinance, in
13 whole or in part, an urban renewal project within the area,
14 and to provide assistance for low and moderate income family
15 housing as provided in section 403.22, ~~except that.~~ However,
16 taxes for the regular and voter-approved physical plant and
17 equipment levy of a school district imposed pursuant to section
18 298.2, ~~and~~ taxes for the payment of bonds and interest of
19 each taxing district ~~must,~~ and taxes imposed under section
20 346.27, subsection 22, related to joint county-city buildings
21 shall be collected against all taxable property within the
22 taxing district without limitation by the provisions of this
23 subsection. However, all or a portion of the taxes for the
24 physical plant and equipment levy shall be paid by the school
25 district to the municipality if the auditor certifies to the
26 school district by July 1 the amount of such levy that is
27 necessary to pay the principal and interest on bonds issued
28 by the municipality to finance an urban renewal project,
29 which bonds were issued before July 1, 2001. Indebtedness
30 incurred to refund bonds issued prior to July 1, 2001, shall
31 not be included in the certification. Such school district
32 shall pay over the amount certified by November 1 and May
33 1 of the fiscal year following certification to the school
34 district. Unless and until the total assessed valuation of
35 the taxable property in an urban renewal area exceeds the



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1 total assessed value of the taxable property in such area as
2 shown by the last equalized assessment roll referred to in
3 subsection 1, all of the taxes levied and collected upon the
4 taxable property in the urban renewal area shall be paid into
5 the funds for the respective taxing districts as taxes by
6 or for the taxing districts in the same manner as all other
7 property taxes. When such loans, advances, indebtedness, and
8 bonds, if any, and interest thereon, have been paid, all moneys
9 thereafter received from taxes upon the taxable property in
10 such urban renewal area shall be paid into the funds for the
11 respective taxing districts in the same manner as taxes on all
12 other property. In those instances where a school district
13 has entered into an agreement pursuant to section 279.64 for
14 sharing of school district taxes levied and collected from
15 valuation described in this subsection and released to the
16 school district, the school district shall transfer the taxes
17 as provided in the agreement.

18 Sec. 7. APPLICABILITY. This Act applies to property taxes
19 due and payable in fiscal years beginning on or after July 1,
20 2013.

21 EXPLANATION

22 Current Code section 346.27 allows a county along with
23 its county seat to establish an authority for the purpose of
24 acquiring, constructing, demolishing, improving, enlarging,
25 equipping, furnishing, repairing, maintaining, and operating
26 a public building for the joint use of the county and city or
27 any school district which is within or is a part of the county
28 or city. The authority then leases the building to the county
29 and city. Current Code section 346.27(22) authorizes each such
30 county and city to levy and collect property tax sufficient
31 to pay the annual rent payable under the lease as and when it
32 becomes due and payable.

33 This bill specifies that taxes realized from the tax levy
34 imposed by a county or city under Code section 346.27(22) for a
35 joint county-city building shall be deposited into a separate

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1 account in the applicable county or city debt service fund for
2 the payment of the annual rent.

3 The bill also removes such tax levies from inclusion within
4 the county supplemental levy under Code section 331.424 and the
5 city additional tax under Code section 384.12.

6 The bill excludes the property taxes levied and collected
7 for the purpose of Code section 346.27(22) from a division of
8 revenue (tax increment financing) under Code section 403.19.

9 The bill applies to property taxes due and payable in fiscal
10 years beginning on or after July 1, 2013.



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House File 2071 - Introduced

HOUSE FILE 2071

BY T. OLSON, PETERSEN,
MUHLBAUER, THOMAS, THEDE,
STECKMAN, H. MILLER,
BERRY, WOLFE, LENSING,
WESSEL-KROESCHELL,
WINCKLER, LYKAM, COHOON,
M. SMITH, MURPHY, HUNTER,
KELLEY, GAINES, OLDSON,
HALL, KEARNS, WILLEMS,
HANSON, KAJTAZOVIC,
KRESSIG, RUNNING-MARQUARDT,
ABDUL-SAMAD, MASCHER,
T. TAYLOR, SWAIM, GASKILL,
WITTNEBEN, JACOBY, HEDDENS,
McCARTHY, R. OLSON, and
WENTHE

A BILL FOR

1 An Act relating to and making supplemental appropriations
2 for the fiscal year beginning July 1, 2011, and including
3 effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. 2011 Iowa Acts, chapter 134, section 3, is
2 amended to read as follows:
3 SEC. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.
4 1. There is appropriated from the general fund of the
5 state to the department of corrections for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amounts, or so much thereof as is necessary, to be used for the
8 operation of adult correctional institutions, reimbursement
9 of counties for certain confinement costs, and federal prison
10 reimbursement, to be allocated as follows:
11 a. For the operation of the Fort Madison correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ ~~41,031,283~~
15 42,292,031
16 b. For the operation of the Anamosa correctional facility,
17 including salaries, support, maintenance, and miscellaneous
18 purposes:
19 \$ ~~31,985,974~~
20 32,168,148
21 c. For the operation of the Oakdale correctional facility,
22 including salaries, support, maintenance, and miscellaneous
23 purposes:
24 \$ ~~55,594,426~~
25 56,589,899
26 d. For the operation of the Newton correctional facility,
27 including salaries, support, maintenance, and miscellaneous
28 purposes:
29 \$ ~~25,958,757~~
30 26,601,701
31 e. For the operation of the Mt. Pleasant correctional
32 facility, including salaries, support, maintenance, and
33 miscellaneous purposes:
34 \$ ~~25,917,815~~
35 26,321,902

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1 f. For the operation of the Rockwell City correctional
2 facility, including salaries, support, maintenance, and
3 miscellaneous purposes:
4 \$ 9,316,466
5 g. For the operation of the Clarinda correctional facility,
6 including salaries, support, maintenance, and miscellaneous
7 purposes:
8 \$ 24,482,356
9 Moneys received by the department of corrections as
10 reimbursement for services provided to the Clarinda youth
11 corporation are appropriated to the department and shall be
12 used for the purpose of operating the Clarinda correctional
13 facility.
14 h. For the operation of the Mitchellville correctional
15 facility, including salaries, support, maintenance, and
16 miscellaneous purposes:
17 \$ 15,615,374
18 i. For the operation of the Fort Dodge correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ 29,062,235
22 j. For reimbursement of counties for temporary confinement
23 of work release and parole violators, as provided in sections
24 901.7, 904.908, and 906.17, and for offenders confined pursuant
25 to section 904.513:
26 \$ 775,092
27 1,075,092
28 k. For federal prison reimbursement, reimbursements for
29 out-of-state placements, and miscellaneous contracts:
30 \$ 239,411
31 484,411
32 l. For three correctional officer full-time equivalent
33 positions that are to be assigned to a correctional institution
34 by the director of the department of corrections:
35 \$ 157,162

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1 2. The department of corrections shall use moneys
2 appropriated in subsection 1 to continue to contract for the
3 services of a Muslim imam and a Native American spiritual
4 leader.

5 DEPARTMENT OF CORRECTIONS — ADMINISTRATION

6 Sec. 2. 2011 Iowa Acts, chapter 134, section 4, subsection
7 1, unnumbered paragraph 1, is amended to read as follows:

8 For general administration, including salaries, support,
9 maintenance, employment of an education director to administer
10 a centralized education program for the correctional system,
11 and miscellaneous purposes:

12 \$ 4,835,542
13 5,181,582

14 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

15 Sec. 3. 2011 Iowa Acts, chapter 134, section 5, subsection
16 1, is amended to read as follows:

17 1. There is appropriated from the general fund of the state
18 to the department of corrections for the fiscal year beginning
19 July 1, 2011, and ending June 30, 2012, for salaries, support,
20 maintenance, and miscellaneous purposes, the following amounts,
21 or so much thereof as is necessary, to be allocated as follows:

22 a. For the first judicial district department of
23 correctional services:

24 \$ ~~12,204,948~~
25 12,658,088

26 b. For the second judicial district department of
27 correctional services:

28 \$ 10,336,948

29 c. For the third judicial district department of
30 correctional services:

31 \$ ~~5,599,765~~
32 5,952,381

33 d. For the fourth judicial district department of
34 correctional services:

35 \$ 5,391,355

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1 e. For the fifth judicial district department of
2 correctional services, including funding for electronic
3 monitoring devices for use on a statewide basis:
4 \$ 18,742,129
5 f. For the sixth judicial district department of
6 correctional services:
7 \$ ~~13,112,563~~
8 13,712,506
9 g. For the seventh judicial district department of
10 correctional services:
11 \$ ~~6,492,814~~
12 6,716,588
13 h. For the eighth judicial district department of
14 correctional services:
15 \$ ~~6,879,715~~
16 7,372,419
17 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill makes supplemental appropriations from the general
21 fund of the state for fiscal year 2011-2012 to the department
22 of corrections. The following appropriations made in 2011 Iowa
23 Acts, chapter 134 (SF 510), to the department are addressed:
24 correctional facilities, administration, and judicial
25 district departments of correctional services (community-based
26 corrections or CBCs).
27 The bill takes effect upon enactment.



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House File 2072 - Introduced

HOUSE FILE 2072
BY WILLEMS and COWNIE

A BILL FOR

1 An Act providing for the adjustment of state foundation aid
2 amounts payable to school districts based on a district's
3 advanced placement program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.7, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. *Budgets.* School districts are subject to chapter 24.
4 The authorized expenditures of a school district during a base
5 year shall not exceed the lesser of the budget for that year
6 certified under section 24.17 plus any allowable amendments
7 permitted in this section, or the authorized budget, which is
8 the sum of the combined district cost for that year including
9 any adjustments required by section 257.16B, the actual
10 miscellaneous income received for that year, and the actual
11 unspent balance from the preceding year.

12 Sec. 2. Section 257.10, subsection 8, paragraph a, Code
13 2011, is amended to read as follows:

14 a. (1) Combined district cost is the sum of the regular
15 program district cost per pupil multiplied by the weighted
16 enrollment, the special education support services district
17 cost, the total teacher salary supplement district cost, the
18 total professional development supplement district cost, and
19 the total early intervention supplement district cost, plus the
20 sum of the additional district cost allocated to the district
21 to fund media services and educational services provided
22 through the area education agency, the area education agency
23 total teacher salary supplement district cost and the area
24 education agency total professional development supplement
25 district cost.

26 (2) For budget years beginning on or after July 1, 2014,
27 each school district's combined district cost for the purposes
28 of determining a school district's authorized expenditures
29 under section 257.7 shall be adjusted to reflect the adjustment
30 to the school district's state foundation aid under section
31 257.16B.

32 Sec. 3. NEW SECTION. 257.16B State foundation aid
33 adjustment — advanced placement students.

34 1. For budget years beginning on or after July 1, 2014, the
35 department of management shall, following the determination of



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1 the total amount of state foundation aid payable to each school
2 district pursuant to section 257.16, subsection 1, adjust the
3 total amount of state foundation aid payable to each school
4 district as follows:

5 a. Each school district's total amount of state foundation
6 aid shall be reduced by an amount equal to the school
7 district's weighted enrollment divided by the total statewide
8 weighted enrollment, and then multiplied by fifteen million
9 dollars.

10 b. Following the reduction in paragraph "a", each school
11 district's resulting total amount of state foundation aid shall
12 be increased by an amount equal to the school district's total
13 number of advanced placement students divided by the total
14 number of advanced placement students in the state, and then
15 multiplied by fifteen million dollars.

16 2. The department of management shall notify each school
17 district of the amount of the adjustment to state foundation
18 aid under this section. Except for the adjustment to a
19 school district's combined district cost for the purposes
20 of determining a school district's authorized expenditures
21 under section 257.7, this section shall not result in the
22 recalculation of other state aid amounts or the recalculation
23 of any property tax levy for the budget year.

24 3. For purposes of this section, "*advanced placement*
25 *student*" means a student who was enrolled in the school
26 district during the school year preceding the base year, who
27 was enrolled in one or more advanced placement courses during
28 such school year as provided under section 261E.4, and who also
29 achieved a score on the advanced placement examination for
30 at least one such course of three or higher on the advanced
31 placement five-point scale.

32 4. The department of education shall adopt rules under
33 chapter 17A necessary to implement this section, including
34 rules that prescribe all necessary reporting requirements for
35 school districts.

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EXPLANATION

1

2 This bill provides for an adjustment of state foundation
3 aid amounts to school districts based on participation in a
4 district's advanced placement program.

5 Under the bill, for budget years beginning on or after July
6 1, 2014, the department of management is required to adjust
7 the total amount of state foundation aid payable to each
8 school district under the school foundation funding formula.
9 Each school district's total amount of state foundation aid
10 is first reduced by an amount equal to the school district's
11 weighted enrollment divided by the total statewide weighted
12 enrollment, and then multiplied by \$15 million. Each school
13 district's resulting total amount of state foundation aid is
14 then increased by an amount equal to the school district's
15 total number of advanced placement students divided by the
16 total number of advanced placement students in the state, and
17 then multiplied by \$15 million.

18 The bill defines "advanced placement student" to mean a
19 student who was enrolled in the school district during the
20 school year preceding the base year, who was enrolled in one
21 or more advanced placement courses during such school year
22 through direct instruction on-site, collaboration with another
23 school district, or through the online Iowa advanced placement
24 academy, and who also achieved a score on the advanced
25 placement examination for at least one such course of three or
26 higher on the advanced placement five-point scale.

27 The bill includes a requirement that each school district
28 be notified of the adjustments made under the bill and
29 states that except for the adjustment to a school district's
30 combined district cost for the purposes of determining a school
31 district's authorized expenditures under Code section 257.7,
32 the adjustments to state foundation aid do not result in the
33 recalculation of other state aid amounts or the recalculation
34 of any property tax levy for the budget year.

35 The bill requires the department of education to adopt

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1 rules under Code chapter 17A necessary to implement the
2 bill, including rules that prescribe all necessary reporting
3 requirements for school districts.



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House File 2073 - Introduced

HOUSE FILE 2073
BY HUNTER

A BILL FOR

1 An Act relating to the use of the elder index to determine
2 provision of services and programs for older individuals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5604HH (3) 84
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H.F. 2073

1 Section 1. USE OF ELDER INDEX IN PROGRAMS AND SERVICES FOR
2 OLDER INDIVIDUALS.

3 1. *a.* The department on aging shall amend the state plan
4 on aging and submit the amended plan to the United States
5 administration on aging for approval to allow the use of
6 the elder index in determining eligibility for programs and
7 services under the state plan.

8 *b.* If the state plan amendment is approved, the department
9 on aging shall use the elder index in determining eligibility
10 for all needs-based programs for older individuals under the
11 department's purview pursuant to the federal Older Americans
12 Act and shall require each area agency on aging to use
13 the elder index in preparing needs assessments and in the
14 development of each area agency on aging area plan.

15 *c.* If the state plan amendment is approved, the department
16 shall update the elder index annually.

17 2. For the purposes of this section, "elder index"
18 means the elder economic security standard index developed
19 by the wider opportunities for women and the gerontology
20 institute at the university of Massachusetts Boston that is a
21 geographically-based measure of the income adequacy required
22 by an older individual to meet all basic needs including but
23 not limited to housing, food, health care, transportation,
24 long-term care, and miscellaneous essentials without reliance
25 on income-eligible public supports.

26 EXPLANATION

27 This bill relates to the use of the elder index in
28 determining eligibility for programs and services under the
29 purview of the department of elder affairs pursuant to the
30 federal Older Americans Act.

31 The bill defines "elder index" and directs the department
32 on aging (IDA) to amend the state plan on aging and submit the
33 amended plan to the United States administration on aging for
34 approval to allow the use of the elder index in determining
35 eligibility for programs and services under the state plan. If

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1 the state plan amendment is approved, IDA is directed to use
2 the elder index in determining eligibility for all needs-based
3 programs for older individuals under the department's purview
4 and require each area agency on aging to use the elder index in
5 preparing needs assessments and in the development of each area
6 agency on aging area plan. IDA is directed to update the elder
7 index annually following approval.



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House Study Bill 547 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON TJEPKES)

A BILL FOR

1 An Act relating to funding for Iowa roads, including by
2 increasing and imposing certain vehicle registration
3 fees and taxes, modifying appropriations and allocations
4 from certain funds, providing for the use of certain
5 fees, increasing motor vehicle fuel taxes, providing
6 accountability measures, and including effective date
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5429YC (9) 84
dea/nh



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1 DIVISION I
2 FEE FOR NEW REGISTRATION AND USE TAX
3 Section 1. Section 312.2, Code 2011, is amended by adding
4 the following new subsection:
5 NEW SUBSECTION. 18. *a.* The treasurer of state, before
6 making the allotments provided for in this section, shall
7 credit monthly from the road use tax fund to the TIME-21 fund
8 created in section 312A.2 the following amounts:
9 (1) An amount equal to one-sixth of the revenues collected
10 from fees for new registration pursuant to section 321.105A,
11 subsections 2 and 3.
12 (2) An amount equal to one-sixth of the revenues collected
13 from the use tax pursuant to sections 423.26 and 423.26A.
14 *b.* This subsection is repealed June 30, 2028.
15 Sec. 2. Section 321.105A, subsection 2, unnumbered
16 paragraph 1, Code Supplement 2011, is amended to read as
17 follows:
18 In addition to the annual registration fee required under
19 section 321.105, a "fee for new registration" is imposed
20 in the amount of ~~five~~ six percent of the purchase price
21 for each vehicle subject to registration. The fee for new
22 registration shall be paid by the owner of the vehicle to the
23 county treasurer at the time application is made for a new
24 registration and certificate of title, if applicable. A new
25 registration receipt shall not be issued until the fee has been
26 paid. The county treasurer or the department of transportation
27 shall require every applicant for a new registration receipt
28 for a vehicle subject to registration to supply information as
29 the county treasurer or the director deems necessary as to the
30 time of purchase, the purchase price, and other information
31 relative to the purchase of the vehicle. On or before the
32 tenth day of each month, the county treasurer or the department
33 of transportation shall remit to the department of revenue the
34 amount of the fees for new registration collected during the
35 preceding month.



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1 Sec. 3. Section 321.105A, subsection 3, paragraph a, Code
2 Supplement 2011, is amended to read as follows:
3 a. A fee for new registration is imposed in an amount
4 equal to ~~five~~ six percent of the leased price for each vehicle
5 subject to registration with a gross vehicle weight rating of
6 less than sixteen thousand pounds which is leased by a lessor
7 licensed pursuant to chapter 321F for a period of twelve months
8 or more. The fee for new registration shall be paid by the
9 owner of the vehicle to the county treasurer from whom the
10 registration receipt or certificate of title is obtained. A
11 registration receipt for a vehicle subject to registration or
12 issuance of a certificate of title shall not be issued until
13 the fee for new registration is paid in the initial instance.
14 Sec. 4. Section 423.5, Code Supplement 2011, is amended to
15 read as follows:
16 **423.5 Imposition of tax.**
17 1. a. Except as provided in subsection 3 2, an excise tax
18 at the rate of six percent of the purchase price or installed
19 purchase price is imposed on the following:
20 ~~1-~~ (1) The use in this state of tangible personal property
21 as defined in section 423.1, including aircraft subject to
22 registration under section 328.20, purchased for use in this
23 state. For the purposes of this subchapter, the furnishing
24 or use of the following services is also treated as the use
25 of tangible personal property: optional service or warranty
26 contracts, except residential service contracts regulated under
27 chapter 523C, vulcanizing, recapping, or retreading services,
28 engraving, photography, retouching, printing, or binding
29 services, and communication service when furnished or delivered
30 to consumers or users within this state.
31 ~~2-~~ (2) The use of manufactured housing in this state,
32 on the purchase price if the manufactured housing is sold in
33 the form of tangible personal property or on the installed
34 purchase price if the manufactured housing is sold in the form
35 of realty.

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1 ~~3. An excise tax at the rate of five percent is imposed~~
2 ~~on the use of vehicles subject only to the issuance of a~~
3 ~~certificate of title and the use of manufactured housing, and~~
4 ~~on the use of leased vehicles, if the lease transaction does~~
5 ~~not require titling or registration of the vehicle, on the~~
6 ~~amount subject to tax as calculated pursuant to section 423.26,~~
7 ~~subsection 2.~~

8 4. (3) Purchases of tangible personal property made from
9 the government of the United States or any of its agencies by
10 ultimate consumers shall be subject to the tax imposed by this
11 section. Services purchased from the same source or sources
12 shall be subject to the service tax imposed by this subchapter
13 and apply to the user of the services.

14 5. (4) The use in this state of services enumerated in
15 section 423.2. This tax is applicable where the service is
16 first used in this state.

17 6. (5) The excise tax is imposed upon every person using
18 the property within this state until the tax has been paid
19 directly to the county treasurer, the state department of
20 transportation, a retailer, or the department. This tax is
21 imposed on every person using the services or the product of
22 the services in this state until the user has paid the tax
23 either to an Iowa use tax permit holder or to the department.

24 7. (6) For the purpose of the proper administration of
25 the use tax and to prevent its evasion, evidence that tangible
26 personal property was sold by any person for delivery in this
27 state shall be prima facie evidence that such tangible personal
28 property was sold for use in this state.

29 8. (7) Any person or that person's affiliate, which is a
30 retailer in this state or a retailer maintaining a place of
31 business in this state under this chapter, that enters into a
32 contract with an agency of this state must register, collect,
33 and remit Iowa use tax under this chapter on all sales of
34 tangible personal property and enumerated services. Every
35 bid submitted and each contract executed by a state agency

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1 shall contain a certification by the bidder or contractor
2 stating that the bidder or contractor is registered with the
3 department and will collect and remit Iowa use tax due under
4 this chapter. In the certification, the bidder or contractor
5 shall also acknowledge that the state agency may declare the
6 contract or bid void if the certification is false. Fraudulent
7 certification, by act or omission, may result in the state
8 agency or its representative filing for damages for breach of
9 contract.

10 9- b. The use tax rate of six percent imposed under this
11 subsection is reduced to five percent on January 1, 2030.

12 2. An excise tax at the rate of six percent is imposed
13 on the use of vehicles subject only to the issuance of a
14 certificate of title and the use of manufactured housing, and
15 on the use of leased vehicles, if the lease transaction does
16 not require titling or registration of the vehicle, on the
17 amount subject to tax as calculated pursuant to section 423.26,
18 subsection 2.

19 DIVISION II

20 ANNUAL REGISTRATION FEES

21 Sec. 5. Section 312.2, Code 2011, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 19. a. The treasurer of state, before
24 making the allotments provided for in this section, shall
25 credit monthly from the road use tax fund to the TIME-21
26 fund created in section 312A.2 the amount received by the
27 treasurer from the additional sums collected as registration
28 fees for hybrid vehicles, mixed fuel vehicles, alternative fuel
29 vehicles, fuel cell vehicles, and plug-in electric vehicles
30 pursuant to section 321.109, subsection 1, paragraph "b";
31 section 321.113, subsections 2, 3, and 4; section 321.121,
32 subsection 1, paragraph "e"; section 321.122, subsection 2A;
33 and section 321.124, subsection 3, paragraph "e".

34 b. This subsection is repealed June 30, 2028.

35 Sec. 6. Section 321.1, Code Supplement 2011, is amended by

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1 adding the following new subsections:

2 NEW SUBSECTION. 4A. "*Alternative fuel*" means compressed
3 natural gas, liquefied natural gas, liquefied petroleum gas,
4 hydrogen, or any liquid at least eighty-five percent of the
5 volume of which consists of methanol.

6 NEW SUBSECTION. 4B. "*Alternative fuel vehicle*" means a
7 motor vehicle which can only operate on alternative fuel.

8 NEW SUBSECTION. 27A. "*Fuel cell vehicle*" means a motor
9 vehicle that is propelled by power derived from one or more
10 cells which convert chemical energy directly into electricity
11 by combining oxygen with hydrogen fuel which is stored on board
12 the vehicle in any form and may or may not require reformation
13 prior to use.

14 NEW SUBSECTION. 31A. "*Hybrid vehicle*" means a motor vehicle
15 which draws propulsion energy from onboard sources of stored
16 energy which are both an internal combustion or heat engine
17 using petroleum-based fuel and a rechargeable energy storage
18 system.

19 NEW SUBSECTION. 39. "*Mixed fuel vehicle*" means a motor
20 vehicle certified by the manufacturer as being able to
21 perform efficiently in normal operation on a combination of an
22 alternative fuel and a petroleum-based fuel.

23 NEW SUBSECTION. 52A. "*Plug-in electric vehicle*" means a
24 motor vehicle that is propelled to a significant extent by an
25 electric motor which draws electricity from a battery which has
26 a capacity of not less than four kilowatt hours and is capable
27 of being recharged from an external source of electricity.

28 Sec. 7. Section 321.109, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. a. The annual fee for all motor vehicles including
31 vehicles designated by manufacturers as station wagons, 1993
32 and subsequent model year multipurpose vehicles, and 2010 and
33 subsequent model year motor trucks with an unladen weight of
34 ten thousand pounds or less, except motor trucks registered
35 under section 321.122, business-trade trucks, special trucks,

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1 motor homes, ambulances, hearses, motorcycles, motorized
2 bicycles, and 1992 and older model year multipurpose vehicles,
3 shall be equal to one percent of the value as fixed by the
4 department plus forty cents for each one hundred pounds
5 or fraction thereof of weight of vehicle, as fixed by the
6 department, plus the additional sum required under paragraph
7 "b", if applicable. The weight of a motor vehicle, fixed by
8 the department for registration purposes, shall include the
9 weight of a battery, heater, bumpers, spare tire, and wheel.
10 ~~Provided, however, that for any new vehicle purchased in~~
11 ~~this state by a nonresident for removal to the nonresident's~~
12 ~~state of residence the purchaser may make application to the~~
13 ~~county treasurer in the county of purchase for a transit plate~~
14 ~~for which a fee of ten dollars shall be paid. And provided,~~
15 ~~however, that for any used vehicle held by a registered dealer~~
16 ~~and not currently registered in this state, or for any vehicle~~
17 ~~held by an individual and currently registered in this state,~~
18 ~~when purchased in this state by a nonresident for removal to~~
19 ~~the nonresident's state of residence, the purchaser may make~~
20 ~~application to the county treasurer in the county of purchase~~
21 ~~for a transit plate for which a fee of three dollars shall~~
22 ~~be paid. The county treasurer shall issue a nontransferable~~
23 ~~certificate of registration for which no refund shall be~~
24 ~~allowed; and the transit plates shall be void thirty days~~
25 ~~after issuance. Such purchaser may apply for a certificate~~
26 ~~of title by surrendering the manufacturer's or importer's~~
27 ~~certificate or certificate of title, duly assigned as provided~~
28 ~~in this chapter. In this event, the treasurer in the county~~
29 ~~of purchase shall, when satisfied with the genuineness and~~
30 ~~regularity of the application, and upon payment of a fee of~~
31 ~~twenty dollars, issue a certificate of title in the name and~~
32 ~~address of the nonresident purchaser delivering the title~~
33 ~~to the owner. If there is a security interest noted on the~~
34 ~~title, the county treasurer shall mail to the secured party an~~
35 ~~acknowledgment of the notation of the security interest. The~~



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~~1 county treasurer shall not release a security interest that~~
~~2 has been noted on a title issued to a nonresident purchaser~~
~~3 as provided in this paragraph. The application requirements~~
~~4 of section 321.20 apply to a title issued as provided in this~~
~~5 subsection, except that a natural person who applies for a~~
~~6 certificate of title shall provide either the person's social~~
~~7 security number, passport number, or driver's license number,~~
~~8 whether the license was issued by this state, another state, or~~
~~9 another country. The provisions of this subsection relating to~~
10 multipurpose vehicles are effective for all 1993 and subsequent
11 model years. The annual registration fee for multipurpose
12 vehicles that are 1992 model years and older shall be in
13 accordance with section 321.124.

14 b. (1) For a motor vehicle described in paragraph "a"
15 which is a hybrid vehicle or a mixed fuel vehicle, the annual
16 registration fee is the fee calculated pursuant to paragraph "a"
17 plus an additional sum of fifty dollars.

18 (2) For a motor vehicle described in paragraph "a" which
19 is an alternative fuel vehicle, a fuel cell vehicle, or a
20 plug-in electric vehicle, the annual registration fee is the
21 fee calculated pursuant to paragraph "a" plus an additional sum
22 of one hundred dollars.

23 c. Notwithstanding paragraphs "a" and "b", for any new
24 vehicle purchased in this state by a nonresident for removal to
25 the nonresident's state of residence, the purchaser may make
26 application to the county treasurer in the county of purchase
27 for a transit plate for which a fee of ten dollars shall be
28 paid. For any used vehicle held by a registered dealer and
29 not currently registered in this state, or for any vehicle
30 held by an individual and currently registered in this state,
31 when purchased in this state by a nonresident for removal to
32 the nonresident's state of residence, the purchaser may make
33 application to the county treasurer in the county of purchase
34 for a transit plate for which a fee of three dollars shall
35 be paid. The county treasurer shall issue a nontransferable



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1 certificate of registration for which no refund shall be
2 allowed; and the transit plates shall be void thirty days
3 after issuance. Such purchaser may apply for a certificate
4 of title by surrendering the manufacturer's or importer's
5 certificate or certificate of title, duly assigned as provided
6 in this chapter. In this event, the treasurer in the county
7 of purchase shall, when satisfied with the genuineness and
8 regularity of the application, and upon payment of a fee of
9 twenty dollars, issue a certificate of title in the name and
10 address of the nonresident purchaser delivering the title
11 to the owner. If there is a security interest noted on the
12 title, the county treasurer shall mail to the secured party an
13 acknowledgment of the notation of the security interest. The
14 county treasurer shall not release a security interest that
15 has been noted on a title issued to a nonresident purchaser
16 as provided in this paragraph. The application requirements
17 of section 321.20 apply to a title issued as provided in this
18 paragraph, except that a natural person who applies for a
19 certificate of title shall provide either the person's social
20 security number, passport number, or driver's license number,
21 whether the license was issued by this state, another state,
22 or another country.

23 ~~b.~~ d. The annual registration fee shall be sixty dollars
24 for a vehicle with permanently installed equipment manufactured
25 for and necessary to assist a person with a disability who is
26 either the owner or lessee of the vehicle or a member of the
27 owner's or lessee's household in entry and exit of the vehicle
28 or if the owner or lessee of the vehicle or a member of the
29 owner's or lessee's household uses a wheelchair as the only
30 means of mobility. This paragraph applies only to vehicles
31 that are otherwise subject to paragraph "a" and to motor trucks
32 with an unladen weight of ten thousand pounds or less that
33 are otherwise subject to section 321.122. For purposes of
34 this paragraph, "uses a wheelchair" does not include use of a
35 wheelchair due to a temporary injury or medical condition.



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1 Sec. 8. Section 321.113, subsections 2, 3, and 4, Code
2 Supplement 2011, are amended to read as follows:
3 2. If a motor vehicle is more than seven model years old,
4 the part of the annual registration fee that is based on the
5 value of the vehicle shall be seventy-five percent of the rate
6 as fixed when the motor vehicle was new and the total fee
7 shall not be less than fifty dollars plus the additional sum
8 required under section 321.109, subsection 1, paragraph "b", if
9 applicable; except that if the registration is a renewal for a
10 vehicle registered to the same owner prior to January 1, 2009,
11 the annual registration fee shall not be more than the fee paid
12 for the previous registration year.
13 3. If a motor vehicle is more than nine model years old, the
14 part of the annual registration fee that is based on the value
15 of the vehicle shall be fifty percent of the rate as fixed
16 when the motor vehicle was new and the total fee shall not be
17 less than fifty dollars plus the additional sum required under
18 section 321.109, subsection 1, paragraph "b", if applicable;
19 except that if the registration is a renewal for a vehicle
20 registered to the same owner prior to January 1, 2009, the
21 annual registration fee shall not be more than the fee paid for
22 the previous registration year.
23 4. a. Except as provided in paragraph "b", if a motor
24 vehicle is twelve model years old or older, the annual
25 registration fee is fifty dollars plus the additional sum
26 required under section 321.109, subsection 1, paragraph "b", if
27 applicable; except that if the registration is a renewal for a
28 vehicle registered to the same owner prior to January 1, 2009,
29 the annual registration fee shall not be more than the fee paid
30 for the previous registration year.
31 b. If the registration is a renewal for a motor vehicle
32 registered as an antique vehicle by the same owner prior
33 to January 1, 2009, the annual registration fee shall be
34 twenty-three dollars for a motor vehicle that is model year
35 1970 through 1983 and sixteen dollars for a motor vehicle that



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1 is model year 1969 or older.

2 c. For purposes of determining the portion of an annual
3 registration fee under paragraph "a" or "b" that is based upon
4 the value of the motor vehicle, sixty percent of the annual
5 registration fee is attributable to the value of the vehicle.

6 Sec. 9. Section 321.120, subsection 1, Code Supplement
7 2011, is amended to read as follows:

8 1. The annual registration fee for a business-trade truck
9 shall be determined pursuant to section 321.122, subsection 1,
10 paragraph "a", and subsection 2A.

11 Sec. 10. Section 321.121, subsection 1, paragraph a, Code
12 Supplement 2011, is amended to read as follows:

13 a. Except as otherwise provided in ~~paragraph "b"~~ this
14 section, the annual registration fee for a special truck with a
15 gross weight of six tons shall be one hundred dollars, and the
16 annual registration fee for a special truck with a gross weight
17 exceeding six tons but not exceeding eighteen tons shall be as
18 follows:

19 For a gross	And not	The annual
20 weight	exceeding:	registration
21 exceeding:		fee shall be:
22 6 Tons	7 Tons	\$125
23 7 Tons	8 Tons	\$155
24 8 Tons	9 Tons	\$170
25 9 Tons	10 Tons	\$190
26 10 Tons	11 Tons	\$205
27 11 Tons	12 Tons	\$225
28 12 Tons	13 Tons	\$245
29 13 Tons	14 Tons	\$265
30 14 Tons	15 Tons	\$280
31 15 Tons	16 Tons	\$295
32 16 Tons	17 Tons	\$305
33 17 Tons	18 Tons	\$315

34 Sec. 11. Section 321.121, subsection 1, Code Supplement
35 2011, is amended by adding the following new paragraph:

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1 NEW PARAGRAPH. e. (1) For a special truck which is a
2 hybrid vehicle or a mixed fuel vehicle, the annual registration
3 fee is the fee calculated pursuant to paragraph "a", "b", "c",
4 or "d" plus an additional sum of fifty dollars.

5 (2) For a special truck which is an alternative fuel
6 vehicle, a fuel cell vehicle, or a plug-in electric vehicle,
7 the annual registration fee is the fee calculated pursuant to
8 paragraph "a", "b", "c", or "d" plus an additional sum of one
9 hundred dollars.

10 Sec. 12. Section 321.122, subsection 1, unnumbered
11 paragraph 1, Code Supplement 2011, is amended to read as
12 follows:

13 The Except as provided in subsection 2A, the annual
14 registration fee for truck tractors, road tractors, and
15 motor trucks, except 2010 and subsequent model year motor
16 trucks required to be registered under section 321.109 and
17 motor trucks registered as special trucks, shall be based on
18 the combined gross weight of the vehicle or combination of
19 vehicles. All such trucks, truck tractors, or road tractors
20 registered under this section shall be registered for a gross
21 weight equal to or in excess of the unladen weight of the
22 vehicle or combination of vehicles. The annual registration
23 fee for such vehicles or combination of vehicles, except
24 special trucks, shall be the applicable fee under paragraph "a"
25 or "b".

26 Sec. 13. Section 321.122, Code Supplement 2011, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 2A. a. For a motor truck, truck tractor,
29 or road tractor described in subsection 1 or 2 which is a
30 hybrid vehicle or a mixed fuel vehicle, the annual registration
31 fee is the fee required under subsection 1 or 2 plus an
32 additional sum of fifty dollars.

33 b. For a motor truck, truck tractor, or road tractor
34 described in subsection 1 or 2 which is an alternative
35 fuel vehicle, a fuel cell vehicle, or a plug-in electric

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1 vehicle, the annual registration fee is the fee required
2 under subsection 1 or 2 plus an additional sum of one hundred
3 dollars.

4 Sec. 14. Section 321.124, subsection 3, Code 2011, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. i. (1) For a motor home or multipurpose
7 vehicle which is a hybrid vehicle or a mixed fuel vehicle, the
8 annual registration fee is the fee required under paragraph "a",
9 "b", "c", "d", "e", "f", "g", or "h" plus an additional sum of
10 fifty dollars.

11 (2) For a motor home or multipurpose vehicle which is an
12 alternative fuel vehicle, a fuel cell vehicle, or a plug-in
13 electric vehicle, the annual registration fee is the fee
14 required under paragraph "a", "b", "c", "d", "e", "f", "g", or
15 "h" plus an additional sum of one hundred dollars.

16 Sec. 15. REPEAL. Section 321.116, Code 2011, is repealed.

17 Sec. 16. APPLICABILITY. This division of this Act applies
18 for registration years beginning on or after January 1, 2013.

19 DIVISION III

20 APPROPRIATIONS FOR OPERATIONAL COSTS

21 Sec. 17. Section 312.2, Code 2011, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 20. The treasurer of state, before making
24 the allotments provided for in this section, shall credit
25 annually from the road use tax fund to the TIME-21 fund
26 created in section 312A.2 the sum of three million seventy-nine
27 thousand dollars.

28 Sec. 18. Section 312.9, Code 2011, is amended to read as
29 follows:

30 **312.9 Fund not for ~~personnel expense~~ certain expenses.**

31 1. Moneys credited to the road use tax fund shall not
32 be appropriated for the payment of salaries, support, or
33 maintenance of any personnel in the department of public
34 safety.

35 2. Moneys credited to the road use tax fund shall not

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1 be appropriated for operational costs of the department of
2 inspections and appeals, the department of management, the
3 department of revenue, or the treasurer of state. For purposes
4 of this section, "operational costs" means costs of salaries,
5 support, administrative expenses, or other personnel-related
6 costs.

7 Sec. 19. Section 452A.77, Code 2011, is amended to read as
8 follows:

9 **452A.77 Moneys deposited in treasury — refunds —**
10 **administration.**

11 1. All fees, taxes, interest, and penalties imposed
12 under this chapter must be paid to the department of revenue
13 or the state department of transportation, whichever is
14 responsible for the collection. The appropriate state
15 agency shall transmit each payment daily to the treasurer of
16 state. Such payments shall be deposited by the treasurer of
17 state in a fund, hereby created, within the state treasury
18 which shall be known as the "*motor fuel tax fund*", the net
19 proceeds of which fund, after deductions by lawful transfers
20 and refunds, shall be known as the "*motor vehicle fuel tax*
21 *fund*". The department of revenue and the state department of
22 transportation shall certify monthly to the director of the
23 department of administrative services amounts of refunds of tax
24 approved during each month, and the director of the department
25 of administrative services shall draw warrants in such amounts
26 on the motor fuel tax fund and transmit them. There is hereby
27 appropriated out of the money received under the provisions
28 of this chapter and deposited in the motor fuel tax fund
29 sufficient funds to pay such refunds as may be authorized in
30 this chapter.

31 2. The general assembly ~~may~~ shall appropriate from the
32 ~~motor fuel tax general~~ fund of the state such amounts as it
33 determines are necessary for administrative expenses of this
34 chapter. Allocations and transfers of fees, taxes, interest
35 and penalties imposed under this chapter, pursuant to any

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1 provision of the Code, shall be made from the motor fuel tax
2 fund.

3 DIVISION IV

4 ROAD USE TAX FUND

5 Sec. 20. Section 312.2, subsection 6, Code 2011, is amended
6 to read as follows:

7 6. a. The treasurer of state, before making the allotments
8 provided for in this section, shall credit annually from the
9 road use tax fund to the living roadway trust TIME-21 fund
10 created under section 314.21 ~~one section 312A.2~~ the sum of two
11 hundred fifty thousand dollars ~~from the road use tax fund~~.

12 b. This subsection is repealed June 30, 2028.

13 Sec. 21. REPEAL. Section 312.2, subsection 8, Code 2011,
14 is repealed.

15 DIVISION V

16 MOTOR VEHICLE OPERATOR REGISTRATION FEES

17 Sec. 22. Section 312.1, subsection 1, Code 2011, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. f. Revenue derived from motor vehicle
20 operator registration fees under chapter 321.

21 Sec. 23. Section 321.145, subsection 2, unnumbered
22 paragraph 1, Code Supplement 2011, is amended to read as
23 follows:

24 Revenues derived from trailer registration fees collected
25 pursuant to sections 321.105 and 321.105A, fees charged for
26 ~~driver's licenses and~~ nonoperator's identification cards,
27 fees charged for the issuance of a certificate of title, the
28 certificate of title surcharge collected pursuant to section
29 321.52A, and revenues credited pursuant to section 423.43,
30 subsection 2, and section 423C.5 shall be deposited in a fund
31 to be known as the statutory allocations fund under the control
32 of the department and credited as follows:

33 Sec. 24. Section 321.180B, subsection 2, paragraph a, Code
34 Supplement 2011, is amended to read as follows:

35 a. The department may issue an intermediate driver's

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1 license to a person sixteen or seventeen years of age who
2 possesses an instruction permit issued under subsection 1 or
3 a comparable instruction permit issued by another state for a
4 minimum of six months immediately preceding application, and
5 who presents an affidavit signed by a parent, guardian, or
6 custodian on a form to be provided by the department that the
7 permittee has accumulated a total of twenty hours of street
8 or highway driving of which two hours were conducted after
9 sunset and before sunrise and the street or highway driving was
10 with the permittee's parent, guardian, custodian, instructor,
11 a person certified by the department, or a person at least
12 twenty-five years of age who had written permission from a
13 parent, guardian, or custodian to accompany the permittee, and
14 whose driving privileges have not been suspended, revoked,
15 or barred under this chapter or chapter 321J during, and who
16 has been accident and violation free continuously for, the
17 six-month period immediately preceding the application for an
18 intermediate license. An applicant for an intermediate license
19 must meet the requirements of section 321.186, including
20 satisfactory completion of driver education as required in
21 section 321.178, and payment of the required license fee before
22 an intermediate license will be issued. A person issued an
23 intermediate license must limit the number of passengers in the
24 motor vehicle when the intermediate licensee is operating the
25 motor vehicle to the number of passenger safety belts.

26 Sec. 25. Section 321.189, subsection 1, paragraph a,
27 unnumbered paragraph 1, Code 2011, is amended to read as
28 follows:

29 Upon payment of the required motor vehicle operator
30 registration fee, the department shall issue to every qualified
31 applicant a driver's license. Driver's licenses shall be
32 classified as follows:

33 Sec. 26. Section 321.189, subsection 3, Code 2011, is
34 amended to read as follows:

35 3. *Replacement.* If prior to the renewal date, a person

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1 desires to obtain a driver's license in the form authorized
2 by this section, a license may be issued as a voluntary
3 replacement upon payment of the required motor vehicle operator
4 registration fee as set by the department by rule. A person
5 shall return a driver's license and be issued a new license
6 when the first license contains inaccurate information upon
7 payment of the required motor vehicle operator registration fee
8 as set by the department by rule.

9 Sec. 27. Section 321.189, subsection 6, Code 2011, is
10 amended to read as follows:

11 6. *Licenses issued to persons under age twenty-one.* A
12 driver's license issued to a person under eighteen years
13 of age shall contain the same information as any other
14 driver's license except that the words "under eighteen" shall
15 appear prominently on the face of the license. A driver's
16 license issued to a person eighteen years of age or older
17 but less than twenty-one years of age shall contain the same
18 information as any other driver's license except that the
19 words "under twenty-one" shall appear prominently on the
20 face of the license. Upon attaining the age of eighteen or
21 upon attaining the age of twenty-one, and upon payment of a
22 one dollar motor vehicle operator registration fee or a one
23 dollar administrative fee, the person shall be entitled to
24 a new driver's license or nonoperator's identification card
25 for the unexpired months of the driver's license or card. An
26 instruction permit or intermediate license issued under section
27 321.180B, subsection 1 or 2, shall include a distinctive color
28 bar. An intermediate license issued under section 321.180B,
29 subsection 2, shall include the words "intermediate license"
30 printed prominently on the face of the license.

31 Sec. 28. Section 321.191, Code 2011, is amended by adding
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Licenses and permits to operate
34 a motor vehicle shall be subject to motor vehicle operator
35 registration fees as follows:

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1 Sec. 29. Section 321.195, Code 2011, is amended to read as
2 follows:

3 **321.195 Duplicate driver's licenses and nonoperator's**
4 **identification cards.**

5 If a driver's license or nonoperator's identification card
6 issued under this chapter is lost or destroyed, the person to
7 whom the license or card was issued may, upon payment of a
8 motor vehicle operator registration fee of three dollars for a
9 driver's license or a fee of three dollars for a nonoperator's
10 identification card, obtain a duplicate, or substitute, upon
11 furnishing proof satisfactory to the department that the
12 driver's license or nonoperator's identification card has been
13 lost or destroyed. A motor vehicle operator registration fee
14 of one dollar shall be charged for voluntary replacement of
15 a driver's license and a fee of one dollar shall be charged
16 for the voluntary replacement of a ~~driver's license or~~
17 nonoperator's identification card.

18 Sec. 30. Section 321.208, subsection 13, Code 2011, is
19 amended to read as follows:

20 13. Upon notice, the disqualified person shall surrender
21 the person's commercial driver's license to the department
22 and the department may issue a driver's license valid only to
23 operate a noncommercial motor vehicle upon payment of a one
24 dollar motor vehicle operator registration fee. The department
25 shall notify the commercial driver's license information system
26 of the disqualification if required to do so under section
27 321.204.

28 DIVISION VI

29 MOTOR FUEL TAX

30 Sec. 31. Section 312.2, Code 2011, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 21. a. The treasurer of state, before
33 making the allotments provided for in this section, shall
34 credit monthly from the road use tax fund to the TIME-21 fund
35 created in section 312A.2 the revenue accruing to the road use

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1 tax fund from the excise tax on motor fuel and special fuel for
2 motor vehicles in the amount equal to the revenues collected
3 as follows:

4 (1) For the period beginning May 1, 2013, and ending April
5 30, 2014, the following amounts:

6 (a) The amount of excise tax collected under section 452A.3,
7 subsection 1A, paragraph "b", from four cents per gallon.

8 (b) The amount of excise tax on special fuel for diesel
9 engines of motor vehicles, other than biodiesel or biodiesel
10 blended fuel, collected under section 452A.3, subsection 3,
11 paragraph "a", subparagraph (2), from four cents per gallon.

12 (2) Beginning May 1, 2014, the following amounts:

13 (a) The amount of excise tax collected under section 452A.3,
14 subsection 1A, paragraph "c", from eight cents per gallon.

15 (b) The amount of excise tax on special fuel for diesel
16 engines of motor vehicles, other than biodiesel or biodiesel
17 blended fuel, collected under section 452A.3, subsection 3,
18 paragraph "a", subparagraph (3), from eight cents per gallon.

19 b. This subsection is repealed June 30, 2028.

20 Sec. 32. Section 452A.3, subsection 1A, Code 2011, is
21 amended to read as follows:

22 1A. Except as otherwise provided in this section and in this
23 division, after June 30, 2012, the following excise tax rates
24 shall apply:

25 a. For the period beginning July 1, 2012, and ending April
26 30, 2013, an excise tax of twenty cents is imposed on each
27 gallon of motor fuel used for any purpose for the privilege of
28 operating motor vehicles in this state.

29 b. For the period beginning May 1, 2013, and ending April
30 30, 2014, an excise tax of twenty-four cents is imposed on each
31 gallon of motor fuel used for any purpose for the privilege of
32 operating motor vehicles in this state.

33 c. Beginning May 1, 2014, an excise tax of twenty-eight
34 cents is imposed on each gallon of motor fuel used for any
35 purpose for the privilege of operating motor vehicles in this

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1 state.

2 Sec. 33. Section 452A.3, subsection 3, Code 2011, is amended
3 to read as follows:

4 3. a. For the privilege of operating motor vehicles or
5 aircraft in this state, there is imposed an excise tax on the
6 use of special fuel in a motor vehicle or aircraft. ~~The~~

7 (1) Prior to May 1, 2013, the tax rate on special fuel for
8 diesel engines of motor vehicles is twenty-two and one-half
9 cents per gallon.

10 (2) For the period beginning May 1, 2013, and ending April
11 30, 2014, the tax rate on biodiesel and biodiesel blended fuel
12 for diesel engines of motor vehicles is twenty-two and one-half
13 cents per gallon and the tax rate on special fuel for diesel
14 engines of motor vehicles other than biodiesel or biodiesel
15 blended fuel is twenty-six and one-half cents per gallon.

16 (3) Beginning May 1, 2014, the tax rate on biodiesel and
17 biodiesel blended fuel for diesel engines of motor vehicles is
18 twenty-two and one-half cents per gallon and the tax rate on
19 special fuel for diesel engines of motor vehicles other than
20 biodiesel or biodiesel blended fuel is thirty and one-half
21 cents per gallon.

22 (4) The rate of tax on special fuel for aircraft is three
23 cents per gallon.

24 (5) On all other special fuel, unless otherwise specified in
25 this section, the per gallon rate is the same as the motor fuel
26 tax.

27 b. Indelible dye meeting United States environmental
28 protection agency and internal revenue service regulations must
29 be added to fuel before or upon withdrawal at a terminal or
30 refinery rack for that fuel to be exempt from tax and the dyed
31 fuel may be used only for an exempt purpose.

32 DIVISION VII

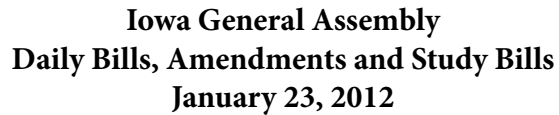
33 ROAD FUNDING NEEDS AND EFFICIENCY EFFORTS

34 Sec. 34. Section 307.31, Code 2011, is amended to read as
35 follows:

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1 307.31 Periodic review of revenues — evaluation of
2 alternative funding sources.

13 2. The department shall evaluate alternative funding
14 sources for road maintenance and construction and report to
15 the general assembly at least every ~~five~~ two years on the
16 advantages and disadvantages and the viability of alternative
17 funding mechanisms. The department's evaluation of alternative
18 funding sources may be included in the report submitted to the
19 general assembly under subsection 1.

22 The department shall convene a meeting, at least annually,
23 of representatives of Iowa cities and counties and the
24 department to review practices relating to the operation,
25 maintenance, and improvement of the state's public road system
26 and to identify ways to jointly increase the efficiency of
27 those practices.

29 This bill contains various provisions relating to the
30 funding of Iowa roads.

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1 vehicle subject to registration at the time the owner or lessor
2 applies for initial registration of the vehicle. In addition,
3 the use tax imposed on the use of vehicles subject only to
4 a certificate of title, the use of manufactured housing, and
5 the use of leased vehicles if the lease transaction does not
6 require titling or registration of the vehicle is increased
7 from 5 percent to 6 percent of the purchase price, installed
8 purchase price, or lease price.

9 Currently, all revenues derived from fees for new
10 registration and use taxes on vehicles not subject to
11 registration are deposited in the road use tax fund. The bill
12 directs the treasurer of state to deposit revenues derived
13 from the increase in fees for new registration and use taxes
14 on vehicles imposed under this division into the TIME-21 fund,
15 subject to the statutory limitation on annual deposits to that
16 fund. After the repeal of the TIME-21 fund on June 30, 2028,
17 the revenues will accrue to the road use tax fund.

18 DIVISION II — ANNUAL REGISTRATION FEES. This division
19 increases annual registration fees for hybrid vehicles,
20 mixed fuel vehicles, alternative fuel vehicles, fuel cell
21 vehicles, and plug-in electric vehicles. The division defines
22 "alternative fuel" as compressed natural gas, liquefied natural
23 gas, liquefied petroleum gas, hydrogen, or any liquid at
24 least 85 percent of the volume of which consists of methanol.
25 An alternative fuel vehicle is only capable of running on
26 alternative fuel, while a mixed fuel vehicle is one which is
27 certified by the manufacturer to be able to operate efficiently
28 on a combination of alternative fuel and petroleum-based fuel.
29 A hybrid vehicle uses both an internal combustion or heat
30 engine using petroleum-based fuel and a rechargeable energy
31 storage system. A fuel cell vehicle derives power from one or
32 more cells which convert chemical energy into electricity, and
33 a plug-in electric vehicle has an electric motor that draws
34 electricity from a battery which has a capacity of not less
35 than four kilowatt hours and is capable of being recharged from

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1 an external source of electricity.

2 The annual registration fees for hybrid vehicles and
3 mixed-fuel vehicles are increased by \$50, and the annual
4 registration fees for alternative fuel vehicles, fuel cell
5 vehicles, and plug-in electric vehicles are increased by
6 \$100. The increases apply to hybrid vehicles, mixed-fuel
7 vehicles, alternative fuel vehicles, fuel cell vehicles, and
8 plug-in electric vehicles whose registration fees are initially
9 based on the weight and value of the vehicle, including
10 vehicles whose fees are automatically reduced with the age
11 of the vehicle. The increases also apply to motor homes and
12 multipurpose vehicles and to truck tractors, road tractors,
13 and motor trucks, including special trucks and business-trade
14 trucks, which qualify as hybrid, mixed-fuel, alternative fuel,
15 fuel cell, or plug-in electric vehicles. The fee increases
16 apply for vehicle registration years beginning on or after
17 January 1, 2013.

18 The treasurer of state is directed to deposit revenues
19 derived from the increase in fees for hybrid vehicles,
20 mixed-fuel vehicles, alternative fuel vehicles, fuel cell
21 vehicles, and plug-in electric vehicles under this division
22 into the TIME-21 fund, subject to the statutory limitation on
23 annual deposits to that fund. After the repeal of the TIME-21
24 fund on June 30, 2028, the revenues will accrue to the road use
25 tax fund.

26 DIVISION III — APPROPRIATIONS FOR OPERATIONAL COSTS. This
27 division provides that moneys which are credited to the road
28 use tax fund shall not be appropriated for operational costs
29 of the department of inspections and appeals, the department
30 of management, the department of revenue, or the treasurer of
31 state. "Operational costs" is defined as costs of salaries,
32 support, administrative expenses, or other personnel-related
33 costs. The division also requires that appropriations to the
34 department of revenue for administration of motor fuel and
35 special fuel taxes be made from the general fund of the state,

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1 rather than the motor fuel tax fund.

2 For FY 2011-2012, appropriations from the road use tax fund
3 to the department of inspections and appeals, the department of
4 management, and the treasurer of state and from the motor fuel
5 tax fund to the department of revenue totaled approximately
6 \$3,079,000. The division directs the treasurer of state to
7 credit that amount annually from the road use tax fund to the
8 TIME-21 fund, subject to the statutory limitation on annual
9 deposits to that fund. After the repeal of the TIME-21 fund
10 on June 30, 2028, the revenues will accrue to the road use tax
11 fund.

12 DIVISION IV — ROAD USE TAX FUND. Under current law,
13 allotments from the road use tax fund to the living roadway
14 trust fund total \$250,000 annually. This division strikes
15 those allotments and directs the treasurer of state to deposit
16 \$250,000 annually in the TIME-21 fund instead. After the
17 repeal of the TIME-21 fund on June 30, 2028, the revenues will
18 accrue to the road use tax fund.

19 DIVISION V — MOTOR VEHICLE OPERATOR REGISTRATION FEES.
20 This division amends Code section 321.191 to provide that fees
21 charged for licenses and permits to operate a motor vehicle are
22 "motor vehicle operator registration fees". Code section 312.1
23 is amended to provide that revenue derived from motor vehicle
24 operator registration fees accrues directly to the road use
25 tax fund. Under current law, revenue derived from fees for
26 driver's licenses and permits is deposited in the statutory
27 allocations fund and used for a variety of purposes, with any
28 remaining revenues credited to the road use tax fund. The
29 division makes related conforming amendments as well.

30 DIVISION VI — MOTOR FUEL TAX. This division increases
31 the excise tax on motor fuel and special fuel used in motor
32 vehicles, other than biodiesel or biodiesel blended fuel, by
33 four cents beginning May 1, 2013, and by an additional four
34 cents beginning May 1, 2014. The additional revenues shall
35 be credited to the TIME-21 fund, subject to the statutory

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1 limitation on annual deposits to that fund. After the repeal
2 of the TIME-21 fund on June 30, 2028, the revenues will accrue
3 to the road use tax fund.

4 DIVISION VII — ROAD FUNDING NEEDS AND EFFICIENCY EFFORTS.
5 Under current law, the department of transportation is required
6 to periodically review current road use tax fund revenues
7 and the sufficiency of those revenues to meet projected
8 construction and maintenance needs of cities, counties, and the
9 state and submit a report of its findings and recommendations
10 to the general assembly every five years. This division
11 requires more frequent reports, every two years. In addition,
12 the department is currently required to report to the general
13 assembly at least every five years regarding the viability
14 of alternative funding mechanisms for roads. This division
15 requires the report on alternative funding mechanisms be made
16 at least every two years.

17 The division requires the department to convene a meeting of
18 representatives of Iowa cities, counties, and the department at
19 least annually to review practices relating to the operation,
20 maintenance, and improvement of the state's public road system
21 and identify ways to jointly increase efficiency.



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House Study Bill 548 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to county mental health, mental retardation,
2 and developmental disabilities services management plan
3 requirements and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
2 AND DEVELOPMENTAL DISABILITIES SERVICES MANAGEMENT PLAN —
3 STRATEGIC PLAN. Notwithstanding section 331.439, subsection
4 1, paragraph “b”, subparagraph (3), counties are not required
5 to submit a three-year strategic plan by April 1, 2012, to the
6 department of human services. A county’s strategic plan in
7 effect as of the effective date of this section shall remain in
8 effect, subject to modification as necessary to conform with
9 statutory changes affecting the plan.

10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12	EXPLANATION
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13 This bill relates to county mental health, mental
14 retardation, and developmental disabilities services management
15 plan requirements by providing that counties are not required
16 to submit the three-year strategic plan by April 1, 2012,
17 as specified in Code section 331.439(1)(b)(3). The initial
18 strategic plan was required to be submitted on April 1, 2000,
19 and then on April 1 every three years after that.

20 The bill provides that the county's strategic plan in effect
21 as of the effective date of the bill remains in effect subject
22 to modification as necessary to conform with statutory changes
23 affecting the plan. Under current law, Code section 331.439 is
24 repealed on July 1, 2013.

25 The bill takes effect upon enactment.



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House Study Bill 549 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

- 1 An Act relating to an electronic health records system.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5363YC (3) 84
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1 Section 1. NEW SECTION. 135.156A Patient and health care
2 professional rights relative to an electronic health records
3 system.

4 1. An individual patient may choose to opt out of any
5 state-mandated, created, or funded electronic health records
6 system for maintaining health care information.

7 2. A health care professional shall not be required
8 to participate in any state-mandated, created, or funded
9 electronic health records system for maintaining health care
10 information.

11 3. A health care professional shall not be denied
12 participation in any state-funded health care program
13 or otherwise sanctioned for refusal to participate in a
14 state-mandated, created, or funded electronic health records
15 system for maintaining health care information.

16 4. a. Except in a medical emergency, information from
17 an electronic health records system maintained by a health
18 care professional and created pursuant to a state-mandated,
19 created, or funded program shall not be shared with another
20 health care professional unless the individual patient to whom
21 the information pertains has first provided the individual's
22 signed, informed consent.

23 b. Information from an individual patient's medical record
24 shall not be placed in a state-mandated, created, or funded
25 electronic health records system unless the individual first
26 provides signed, informed consent.

27 c. For the purposes of this subsection:

28 (1) "*Informed consent*" means with respect to the sharing
29 of information concerning an individual patient, a written
30 document certifying that the individual gives permission to
31 such sharing of information.

32 (2) "*Medical emergency*" means any situation in which the
33 failure to provide immediate medical treatment or assistance
34 could result in serious injury, loss of life, or both.

35 EXPLANATION

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1 This bill relates to the participation of individuals
2 and health care professionals in a state-mandated, created,
3 or funded electronic health records system (system). The
4 bill provides that an individual patient may opt out of any
5 such system; prohibits requiring a health care professional
6 to participate in any such system; and prohibits a health
7 care professional from being denied participation in any
8 state-funded health care program or otherwise sanctioned
9 for refusal to participate in such a system. The bill also
10 provides that except in a medical emergency, information from
11 an electronic health records system maintained by a health
12 care professional and created pursuant to a state-mandated,
13 created, or funded program shall not be shared with another
14 health care professional unless the individual patient to whom
15 the information pertains has first provided the individual's
16 signed, informed consent. Additionally, information from an
17 individual's medical record is prohibited from being placed
18 in such a system unless the individual first provides signed,
19 informed consent. The bill defines "informed consent" and
20 "medical emergency" for the purposes of the bill.



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House Study Bill 550 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON CHAMBERS)

A BILL FOR

1 An Act authorizing certain expenditures of funds from the
2 veterans affairs training program account.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35A.16, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. a. A county commission of veteran affairs training
4 program account shall be established within the county
5 commissions of veteran affairs fund. Any moneys remaining in
6 the fund after the allocations under subsection 3 shall be
7 credited to the account and used by the department to fund the
8 county commission of veteran affairs training program under
9 section 35A.17.

10 b. If moneys appropriated to the commission pursuant to
11 section 35A.13, subsection 4, are insufficient to pay the
12 expenditures authorized under section 35A.13, subsection 6, the
13 executive director, as directed by the commission, may use any
14 moneys remaining in the county commission of veterans affairs
15 training account to pay for such expenditures.

16 EXPLANATION

17 This bill authorizes certain expenditures of funds from the
18 veterans affairs training program account.

19 The bill allows the executive director of the department
20 of veterans affairs, at the direction of the commission of
21 veterans affairs, to use moneys remaining in the veterans
22 affairs training program account to pay for certain veterans
23 expenditures authorized from the veterans trust fund if there
24 are insufficient moneys in the veterans trust fund to pay for
25 those expenditures.

26 Expenses authorized pursuant to Code section 35A.13,
27 subsection 6, include certain travel expenses, job training or
28 college tuition assistance expenses, unemployment assistance,
29 expenses related to the purchase of durable medical equipment
30 or services to allow veterans to remain in their homes,
31 expenses related to hearing care, dental care, vision care, or
32 prescription drugs, individual counseling or family counseling
33 programs, family support group programs or programs for
34 children of members of the military, honor guard services,
35 expenses related to ambulance and emergency room services for

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1 certain veterans, emergency expenses related to vehicle repair,
2 housing repair, or temporary housing assistance, expenses
3 related to establishing whether a minor child is a dependent of
4 a deceased veteran, and certain matching funds.



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Senate File 2042 - Introduced

SENATE FILE 2042
BY HATCH

A BILL FOR

1 An Act providing for the establishment of the Iowa health
2 benefit marketplace and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 514M.1 Title.

2 This Act shall be known and may be cited as the "*Iowa Health*
3 *Benefit Marketplace Act*".

4 Sec. 2. NEW SECTION. 514M.2 Purpose and intent.

5 The purpose of this Act is to provide for the establishment
6 of a health benefit marketplace in this state to facilitate
7 the sale and purchase of qualified health benefit plans by
8 qualified individuals in the individual market in this state
9 and by qualified small employers in the small group market
10 in this state. The intent of authorizing the establishment
11 of a health benefit marketplace in this state is to reduce
12 the number of uninsured individuals in this state, provide a
13 transparent marketplace and consumer education, and assist
14 individuals with access to programs, premium assistance tax
15 credits, and cost-sharing reductions.

16 Sec. 3. NEW SECTION. 514M.3 Definitions.

17 As used in this chapter, unless the context otherwise
18 requires:

19 1. "*Board*" means the board of directors of the Iowa health
20 benefit marketplace as provided in section 514M.5.

21 2. "*Commissioner*" means the commissioner of insurance.

22 3. "*Executive director*" means the executive director of the
23 Iowa health benefit marketplace.

24 4. "*Federal Act*" means the federal Patient Protection and
25 Affordable Care Act, Pub. L. No. 111-148, as amended by the
26 federal Health Care and Education Reconciliation Act of 2010,
27 Pub. L. No. 111-152, and any amendments thereto, or regulations
28 or guidance issued under, those Acts.

29 5. a. "*Health benefit plan*" means a policy, contract,
30 certificate, or agreement offered or issued by a health carrier
31 to provide, deliver, arrange for, pay for, or reimburse any of
32 the costs of health care services.

33 b. "*Health benefit plan*" does not include any of the
34 following:

35 (1) Coverage only for accident, or disability income

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1 insurance, or any combination thereof.
2 (2) Coverage issued as a supplement to liability insurance.
3 (3) Liability insurance, including general liability
4 insurance and automobile liability insurance.
5 (4) Workers' compensation or similar insurance.
6 (5) Automobile medical payment insurance.
7 (6) Credit-only insurance.
8 (7) Coverage for on-site medical clinics.
9 (8) Other similar insurance coverage, specified in federal
10 regulations issued pursuant to Tit. XXVII of the federal Public
11 Health Service Act, as enacted by the federal Health Insurance
12 Portability and Accountability Act of 1996, Pub. L. No.
13 104-191, and amended by the federal Act, under which benefits
14 for health care services are secondary or incidental to other
15 insurance benefits.
16 c. *"Health benefit plan"* does not include any of the
17 following benefits if they are provided under a separate
18 policy, certificate, or contract of insurance or are otherwise
19 not an integral part of the plan:
20 (1) Limited scope dental or vision benefits.
21 (2) Benefits for long-term care, nursing home care, home
22 health care, community-based care, or any combination thereof.
23 (3) Other similar, limited benefits specified in federal
24 regulations issued pursuant to the federal Health Insurance
25 Portability and Accountability Act of 1996, Pub. L. No.
26 104-191.
27 d. *"Health benefit plan"* does not include any of the
28 following benefits if the benefits are provided under a
29 separate policy, certificate, or contract of insurance, there
30 is no coordination between the provision of the benefits and
31 any exclusion of benefits under any group health benefit plan
32 maintained by the same plan sponsor, and the benefits are paid
33 with respect to an event without regard to whether benefits are
34 provided with respect to such an event under any group health
35 benefit plan maintained by the same plan sponsor:

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- 1 (1) Coverage only for a specified disease or illness.
2 (2) Hospital indemnity or other fixed indemnity insurance.
3 e. *"Health benefit plan"* does not include any of the
4 following if offered as a separate policy, certificate, or
5 contract of insurance:
6 (1) Medicare supplemental health insurance as defined under
7 section 1882(g)(1) of the federal Social Security Act.
8 (2) Coverage supplemental to the coverage provided under 10
9 U.S.C. ch. 55, by the civilian health and medical program of
10 the uniformed services.
11 (3) Supplemental coverage similar to that provided under a
12 group health benefit plan.
13 6. *"Health carrier"* means an entity subject to the insurance
14 laws and rules of this state, or subject to the jurisdiction
15 of the commissioner, that contracts or offers to contract to
16 provide, deliver, arrange for, pay for, or reimburse any of
17 the costs of health care services, including an insurance
18 company offering sickness and accident plans, a health
19 maintenance organization, a nonprofit hospital or health
20 service corporation, or any other entity providing a plan of
21 health insurance, health benefits, or health services.
22 7. *"Insurance producer"* means a person required to be
23 licensed under chapter 522B.
24 8. *"Marketplace"* means the Iowa health benefit marketplace
25 established pursuant to section 514M.4.
26 9. *"Navigator"* means a person selected and regulated by the
27 marketplace in accordance with section 1311(i) of the federal
28 Act, standards developed by the secretary, and section 514M.9.
29 10. *"Qualified dental plan"* means a limited scope dental
30 plan that has been certified in accordance with section
31 514M.10.
32 11. *"Qualified employer"* means a small employer that
33 elects to make its full-time employees eligible for one or
34 more qualified health benefit plans offered through the small
35 business health options program of the marketplace, and at the

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1 option of the employer, some or all of its part-time employees,
2 provided that the employer does either of the following:
3 a. Has its principal place of business in this state and
4 elects to provide coverage through the marketplace to all of
5 its eligible employees wherever employed.
6 b. Elects to provide coverage through the marketplace to all
7 of its eligible employees who are principally employed in this
8 state.
9 12. *"Qualified health benefit plan"* means a health benefit
10 plan that has in effect a certification as described in section
11 1311(c) of the federal Act and section 514M.10.
12 13. *"Qualified individual"* means an individual, including a
13 minor, who is all of the following:
14 a. Is seeking to enroll in a qualified health benefit plan
15 offered to individuals through the marketplace.
16 b. Is a resident of this state.
17 c. At the time of enrollment, is not incarcerated, other
18 than incarceration pending the disposition of charges.
19 d. Is, and is reasonably expected to be, for the entire
20 period for which enrollment is sought, a citizen or national of
21 the United States or an alien lawfully present in the United
22 States.
23 14. *"Secretary"* means the secretary of the United States
24 department of health and human services.
25 15. *"Secretary of the board"* means the secretary of the
26 board of directors of the Iowa health benefit marketplace.
27 16. *"Small business health options program"* means the small
28 business health options program component of the marketplace
29 established under section 514M.8.
30 17. a. *"Small employer"* means an employer that employed an
31 average of one to fifty employees during the preceding calendar
32 year.
33 b. For the purposes of this subsection:
34 (1) All persons treated as a single employer under
35 subsection (b), (c), (m), or (o) of section 414 of the Internal

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1 Revenue Code of 1986 shall be treated as a single employer.

2 (2) An employer and any predecessor employer shall be
3 treated as a single employer.

4 (3) All employees shall be counted, including part-time
5 employees and employees who are not eligible for coverage
6 through the employer.

7 (4) If an employer was not in existence throughout the
8 preceding calendar year, the determination of whether that
9 employer is a small employer shall be based on the average
10 number of employees that the employer is reasonably expected to
11 employ on business days in the current calendar year.

12 (5) An employer that makes enrollment in qualified health
13 benefit plans available to its employees through the small
14 business health options program component of the marketplace,
15 and would cease to be a small employer by reason of an increase
16 in the number of its employees, shall continue to be treated
17 as a small employer for purposes of this chapter as long as
18 the employer continuously makes enrollment through the small
19 business health options program component of the marketplace
20 available to its employees.

21 Sec. 4. NEW SECTION. 514M.4 Establishment of Iowa health
22 benefit marketplace.

23 1. The Iowa health benefit marketplace is established as a
24 nonprofit corporation. The marketplace shall be established
25 for the purpose of facilitating the sale and purchase of
26 qualified health benefit plans by qualified individuals in
27 the individual market in this state and by qualified small
28 employers in the small group market in this state.

29 2. The powers and duties of the marketplace are vested in
30 and shall be exercised by a board of directors established
31 under section 514M.5.

32 3. The marketplace shall operate under a plan of operation
33 established and approved by the board of directors, in
34 consultation with the commissioner. The plan shall effectuate
35 the purposes of this chapter and assure the fair, reasonable,

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1 and equitable administration of the marketplace. The board
2 shall do all of the following pursuant to the plan, including
3 but not limited to:
4 a. Plan, direct, coordinate, and execute the administrative
5 functions of the marketplace.
6 b. Employ professional and clerical staff as necessary.
7 c. Keep an accurate account of all activities, receipts,
8 and expenditures of the marketplace and annually submit a
9 report to the commissioner, governor, general assembly, and
10 the auditor of state concerning such accountings pursuant to
11 section 514M.14.
12 4. The marketplace shall be operated on a statewide basis.
13 5. The marketplace shall include separate marketplace
14 components which facilitate the sale and purchase of qualified
15 health benefit plans to eligible individuals and to small
16 employers as described in this chapter and in the federal Act.
17 6. The marketplace may establish a reimbursement system
18 for health benefit plans issued in this state that all health
19 carriers and health providers may join to facilitate fair
20 and reasonable payments for the cost of health care services
21 provided pursuant to a health benefit plan.
22 7. The marketplace shall do all of the following:
23 a. Facilitate the purchase and sale of qualified health
24 benefit plans to qualified individuals and qualified employers
25 as described in this chapter and in the federal Act.
26 b. Establish rate schedules for commissions paid to
27 insurance producers by qualified health benefit plans offered
28 through the marketplace.
29 c. Meet the requirements of this chapter and any rules
30 adopted pursuant to this chapter.
31 8. a. A person who selects, purchases, or enrolls in a
32 qualified health benefit plan offered through the marketplace
33 shall be enrolled in the plan by an insurance producer or may
34 enroll in the plan directly through the marketplace internet
35 site. The commission paid to an insurance producer who enrolls

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1 a person in a plan offered through the marketplace shall be
2 established by the marketplace.

3 **b.** On the anniversary date of coverage obtained through
4 the marketplace, an enrollee may renew or enroll in coverage
5 offered through the marketplace through any insurance producer
6 of the enrollee's choice or may enroll directly through the
7 marketplace internet site. A commission shall be paid to an
8 insurance producer who renews or enrolls a person in coverage
9 under this paragraph in the same manner as is provided in
10 paragraph "a".

11 9. The marketplace may employ staff to carry out the
12 functions of the marketplace, but no employee of the
13 marketplace shall sell, solicit, or negotiate enrollment in
14 a health benefit plan or otherwise offer services for which
15 a license as an insurance producer is required pursuant to
16 chapter 522B.

17 10. The marketplace may contract with an eligible entity to
18 fulfill any of its specialized duties or responsibilities as
19 described in this chapter. An eligible entity includes but is
20 not limited to an entity that has experience in individual and
21 small group health benefit plans, benefit administration, or
22 other experience relevant to the responsibilities to be assumed
23 by the entity. However, a health carrier or an affiliate of a
24 health carrier is not an eligible entity for the purposes of
25 this subsection.

26 11. The marketplace may enter into information-sharing
27 agreements with federal and state agencies to carry out
28 its responsibilities under this chapter provided such
29 agreements include adequate protections with respect to the
30 confidentiality of the information to be shared and comply with
31 all state and federal laws and regulations.

32 12. Each qualified health benefit plan offered through
33 the marketplace shall be assigned a rating by the marketplace
34 in accordance with criteria developed by the secretary under
35 section 1311(c)(3) of the federal Act, and the marketplace

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1 shall determine the level of coverage of each qualified health
2 benefit plan in accordance with regulations issued by the
3 secretary under section 1302(d)(2)(A) of the federal Act and
4 applicable state law.

5 13. If a qualified health benefit plan offered through
6 the marketplace meets or exceeds the criteria for a qualified
7 health benefit plan set forth by the secretary, the plan shall
8 be reviewed and assigned a rating by the marketplace.

9 Sec. 5. NEW SECTION. 514M.5 Board of directors — executive
10 director — secretary.

11 1. The board of directors of the Iowa health benefit
12 marketplace shall effectuate the powers and duties of the
13 marketplace as set forth in this chapter.

14 2. The board shall consist of seven voting members and
15 five ex officio, nonvoting members. The voting members shall
16 be appointed by the governor, subject to confirmation by the
17 senate. The voting members of the board shall annually elect
18 one voting member as chairperson and one voting member as vice
19 chairperson.

20 a. The voting members shall be appointed by the governor as
21 follows:

22 (1) Two persons who represent the interests of small
23 business from nominations made to the governor by nationally
24 recognized groups that represent the interests of small
25 business.

26 (2) Three persons who represent the interests of consumers
27 from nominations made to the governor by nationally recognized
28 groups that represent the interests of consumers.

29 (3) One person who is an insurance producer licensed under
30 chapter 522B.

31 (4) One person who is a health care provider.

32 b. The ex officio, nonvoting members of the board are as
33 follows:

34 (1) Four members of the general assembly, one appointed
35 by the speaker of the house of representatives, one appointed

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1 by the minority leader of the house of representatives,
2 one appointed by the majority leader of the senate, and one
3 appointed by the minority leader of the senate.

4 (2) A person who shall serve as the secretary of the board,
5 appointed by the board.

6 3. The governor shall not appoint to the board any person
7 who is either the spouse or a relative within the first degree
8 of consanguinity of a serving member of the board.

9 4. Each member of the board appointed by the governor shall
10 be a resident of this state and the composition of voting
11 members of the board shall be in compliance with sections
12 69.16, 69.16A, and 69.16C.

13 5. The voting members of the board shall be appointed for
14 staggered terms of three years within sixty days after the
15 effective date of this Act and by December 15 of each year
16 thereafter. The initial terms of the voting members of the
17 board shall be staggered at the discretion of the governor. A
18 voting member of the board is eligible for reappointment. The
19 governor shall fill a vacancy on the board in the same manner
20 as the original appointment for the remainder of the term. A
21 voting member of the board may be removed by the governor for
22 misfeasance, malfeasance, willful neglect of duty, failure to
23 actively participate in the affairs of the board, or other
24 cause after notice and a public hearing unless the notice and
25 hearing are waived by the member in writing.

26 6. A voting member of the board shall not be an employee
27 of, a consultant to, a member of the board of directors of,
28 affiliated with, have an ownership interest in, or otherwise
29 be a representative of any health carrier, insurance producer
30 agency, insurance consultant organization, trade association of
31 insurers, or association offering health benefit plans to its
32 members, while serving on the board.

33 7. Voting members of the board shall be reimbursed from the
34 moneys of the marketplace for all actual and necessary expenses
35 incurred in the performance of their duties as members, and

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1 shall receive per diem at the rate of fifty dollars per day for
2 their services.

3 8. A majority of the voting members of the board constitutes
4 a quorum. The affirmative vote of a majority of the voting
5 members is necessary for any action taken by the board. The
6 majority shall not include a member who has a conflict of
7 interest and a statement by a member of a conflict of interest
8 is conclusive for this purpose. A vacancy in the membership of
9 the board does not impair the right of a quorum to exercise the
10 rights and perform the duties of the board. An action taken by
11 the board under this chapter may be authorized by resolution
12 at a regular or special meeting and each resolution shall take
13 effect immediately and need not be published or posted.

14 9. The voting members of the board shall give bond as
15 required for public officers by chapter 64.

16 10. The voting members of the board are subject to and are
17 officials within the meaning of chapter 68B.

18 11. The board shall meet at the call of the chairperson,
19 or in the absence of the chairperson, at the call of the vice
20 chairperson, or when any four voting members of the board file
21 a written request with the chairperson for a meeting. Written
22 notice of the time and place of each meeting shall be given to
23 each member of the board.

24 12. a. The voting members of the board shall appoint an
25 executive director, subject to confirmation by the senate, to
26 supervise the administrative affairs and general management and
27 operations of the marketplace.

28 b. The voting members of the board may appoint other
29 officers as the members of the board determine. The officers
30 shall not be members of the board, with the exception of the
31 secretary of the board, and shall serve at the pleasure of the
32 voting members of the board, and shall receive compensation as
33 fixed by the board.

34 c. The board may employ other staff to carry out the
35 functions of the marketplace, but no employee of the

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1 marketplace shall sell, solicit, or negotiate enrollment in
2 a health benefit plan or otherwise offer services for which
3 a license as an insurance producer is required pursuant to
4 chapter 522B. All employees of the marketplace are exempt from
5 chapter 8A, subchapter IV, and chapter 97B.

6 13. a. The voting members of the board shall appoint a
7 secretary of the board who shall be an ex officio member of the
8 board, shall keep a record of the proceedings of the board,
9 and shall be the custodian of all books, documents, and papers
10 filed with the board, and the minute book or journal of the
11 board.

12 b. The secretary of the board shall serve at the pleasure
13 of the board, and shall receive compensation as fixed by the
14 board.

15 14. Members of the board, or persons acting on behalf of
16 the marketplace, while acting in the scope of their agency or
17 employment, are not subject to personal liability resulting
18 from carrying out the powers and duties in this chapter.

19 Sec. 6. **NEW SECTION. 514M.6 General powers.**

20 1. The marketplace has any and all powers necessary and
21 convenient to carry out its purposes and duties and exercise
22 its specific powers, including but not limited to the power to:

23 a. Sue and be sued in its own name.

24 b. Have and alter a corporate seal.

25 c. Make and alter bylaws for its management consistent with
26 the provisions of this chapter.

27 d. Make and execute agreements, contracts, and other
28 instruments of any and all types on such terms and conditions
29 as the marketplace may find necessary or convenient to the
30 purpose of the marketplace, with any public or private entity,
31 including but not limited to contracts for goods and services.
32 All political subdivisions, other public agencies, and state
33 departments and agencies may enter into contracts and otherwise
34 cooperate with the marketplace.

35 e. Adopt procedures relating to competitive bidding,

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1 including the identification of those circumstances under which
2 competitive bidding by the marketplace, either formally or
3 informally, shall be required. In any bidding process, the
4 marketplace may administer its own bidding and procurement or
5 may utilize the services of the department of administrative
6 services or any other agency. Except when such rules apply,
7 the marketplace and all contracts made by it in carrying out
8 its public and essential governmental functions with respect
9 to any of its purposes shall be exempt from the provisions
10 and requirements of all laws or rules of the state which
11 require competitive bids in connection with the letting of such
12 contracts.

13 *f.* Acquire, hold, improve, mortgage, lease, and dispose of
14 real and personal property, including but not limited to the
15 power to sell at public or private sale, with or without public
16 bidding, any such property, or other obligation held by it.

17 *g.* Procure insurance against any loss in connection with its
18 operations and property interests.

19 *h.* Accept appropriations, gifts, grants, loans, or other
20 aid from public or private entities. A record of all gifts or
21 grants, stating the type, amount, and donor, shall be clearly
22 set out in the marketplace's annual report along with the
23 record of other receipts.

24 *i.* Provide to public and private entities technical
25 assistance and counseling related to the marketplace's
26 purposes.

27 *j.* In cooperation with other local, state, or federal
28 governmental agencies, conduct research studies, develop
29 estimates of unmet health insurance needs, gather and compile
30 data useful to facilitating decision making, and enter into
31 agreements to carry out programs within or without the state
32 which the marketplace finds to be consistent with the goals of
33 the marketplace.

34 *k.* Enter into agreements with the federal government,
35 tribes, and other states to facilitate the sale or purchase of

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1 qualified health benefit plans by qualified individuals and
2 qualified small employers in the state of Iowa.

3 *l.* Own or acquire intellectual property rights including
4 but not limited to copyrights, trademarks, service marks, and
5 patents, and enforce the rights of the marketplace with respect
6 to such intellectual property rights.

7 *m.* Form committees or panels as necessary to facilitate the
8 marketplace's duties. Committees or panels formed pursuant to
9 this paragraph shall be subject to the provisions of chapters
10 21 and 22.

11 *n.* Establish one or more funds within the state treasury
12 under the control of the marketplace. Notwithstanding section
13 8.33 or 12C.7, or any other provision to the contrary, moneys
14 invested by the treasurer of state pursuant to this paragraph
15 shall not revert to the general fund of the state and interest
16 accrued on the moneys shall be moneys of the marketplace and
17 shall not be credited to the general fund of the state. The
18 nonreversion of moneys allowed under this paragraph does not
19 apply to moneys appropriated to the marketplace by the general
20 assembly.

21 *o.* Exercise generally all powers typically exercised by
22 private enterprises engaged in business pursuits unless the
23 exercise of such a power would violate the terms of this
24 chapter or the Constitution of the State of Iowa.

25 2. Notwithstanding any other provision of law, any purchase
26 or lease of real property, other than on a temporary basis,
27 when necessary in order to implement the purposes of the
28 marketplace or protect the investments of the marketplace,
29 shall require written notice from the marketplace to the
30 government oversight committees of the general assembly or
31 their successor committees and the prior approval of the
32 executive council.

33 3. The powers enumerated in this section are cumulative of
34 and in addition to those powers enumerated elsewhere in this
35 chapter and such powers do not limit or restrict any other

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1 powers of the marketplace.

2 Sec. 7. NEW SECTION. 514M.7 Specific powers.

3 1. In addition to the general powers described in section
4 514M.6, the marketplace shall have all powers convenient and
5 necessary to carry out the purpose and intent of this chapter.

6 2. The marketplace established pursuant to section 514M.4
7 shall make qualified health benefit plans that are effective on
8 or before January 1, 2014, available to qualified individuals
9 and qualified employers in this state.

10 3. At such time as applications for waivers from the
11 requirements of the federal Act are accepted by the secretary,
12 the marketplace may request such waivers from the secretary.

13 4. The marketplace shall allow a health carrier to offer a
14 plan that provides limited scope dental benefits meeting the
15 requirements of section 9832(c)(2)(A) of the Internal Revenue
16 Code of 1986 through the marketplace, either separately or in
17 conjunction with a qualified health benefit plan, if the plan
18 provides pediatric dental benefits meeting the requirements of
19 section 1302(b)(1)(J) of the federal Act.

20 5. The marketplace or a health carrier offering qualified
21 health benefit plans through the marketplace shall not charge
22 an individual a fee or penalty for termination of coverage if
23 the individual enrolls in another type of minimum essential
24 coverage because the individual has become newly eligible for
25 that coverage or because the individual's employer-sponsored
26 coverage has become affordable using the standards of the
27 federal Act, as codified at section 36B(c)(2)(C) of the
28 Internal Revenue Code of 1986.

29 Sec. 8. NEW SECTION. 514M.8 Duties of the marketplace.

30 The marketplace shall do all of the following:

31 1. Implement procedures for the certification,
32 recertification, and decertification of health benefit plans
33 as qualified health benefit plans, consistent with guidelines
34 developed by the secretary under section 1311(c) of the federal
35 Act and applicable state law.

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1 2. Provide for the operation of a toll-free telephone
2 hotline to respond to requests for assistance.
3 3. Provide for enrollment periods, as determined by the
4 secretary under section 1311(c)(6) of the federal Act and
5 applicable state law.
6 4. Utilize a standardized format for presenting health
7 benefit plan options in the marketplace, including the use of
8 the uniform outline of coverage established under section 2715
9 of the Public Health Service Act and applicable state law.
10 5. In accordance with section 1413 of the federal Act
11 and applicable state law, inform individuals of eligibility
12 requirements for the Medicaid program under Tit. XIX of the
13 federal Social Security Act, the children's health insurance
14 program under Tit. XXI of the federal Social Security Act, or
15 any applicable state or local public program and, if through
16 screening of an application by the marketplace, the marketplace
17 determines that any individual is eligible for any such
18 program, enroll that individual in that program.
19 6. Establish and make available by electronic means a
20 calculator to determine the actual cost of coverage after
21 application of any premium tax credit for which an individual
22 is eligible using the standards of the federal Act as codified
23 at section 36B(c)(2)(C) of the Internal Revenue Code of 1986
24 and any cost-sharing reductions under section 1402 of the
25 federal Act.
26 7. Establish a small business health options program
27 component of the marketplace through which individuals employed
28 by a qualified employer may enroll in any qualified health
29 benefit plan offered through the small business health options
30 program at the level of coverage specified by the employer.
31 In establishing a small business health options program
32 marketplace component, the marketplace shall do all of the
33 following:
34 a. Provide consolidated billing and premium payment by
35 qualified employers including detailed information to those

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1 employers about health benefit plans chosen by their employees
2 and the cost of those plans.
3 **b.** Establish an electronic interface and facilitate the flow
4 of funds between health carriers, employers, and employees,
5 including subsidiaries.
6 **c.** Provide for the dissemination of health benefit plan
7 enrollment information to employers.
8 **8.** Establish an individual health options marketplace
9 component through which individuals may enroll in any qualified
10 health benefit plan for individuals.
11 **9.** Select entities qualified to serve as navigators in
12 accordance with section 1311(i) of the federal Act, standards
13 developed by the secretary, and applicable state law and award
14 grants to facilitate the function of navigators as provided in
15 section 514M.9.
16 **10.** Encourage and review the development of cafeteria plans
17 pursuant to section 125 of the Internal Revenue Code of 1986,
18 for use by employers participating in the marketplace.
19 **11.** Maintain an internet site through which enrollees,
20 employers, and prospective enrollees of qualified health
21 benefit plans, at a minimum, may obtain standardized
22 comparative information on qualified health benefit plans
23 and health benefit plans that are not offered through the
24 marketplace. In developing the electronic clearinghouse,
25 the marketplace may require health carriers participating in
26 the marketplace to make available and regularly update an
27 electronic directory of contracting health care providers so
28 individuals seeking coverage through the marketplace can search
29 by health care provider name to determine which qualified
30 health benefit plans in the marketplace include that health
31 care provider in their network, and whether that health care
32 provider is accepting new patients for that particular health
33 benefit plan.
34 **12.** Consult with stakeholders who are relevant to carrying
35 out the activities required under this chapter.

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1 13. Assist in the implementation of reinsurance and risk
2 adjustment mechanisms, as required by state and federal law.
3 14. Establish guidelines for determining qualifications for
4 marketplace employees and entities or persons who are selected
5 as navigators.
6 15. Subject to section 1411 of the federal Act and
7 applicable state law, grant a certification attesting that, for
8 purposes of the individual responsibility penalty under the
9 standards of the federal Act, as codified at section 5000A of
10 the Internal Revenue Code of 1986, an individual is exempt from
11 the individual responsibility requirement or from the penalty
12 imposed by that section because of any of the following:
13 a. There is no affordable qualified health benefit plan
14 available through the marketplace, or the individual's
15 employer, covering the individual.
16 b. The individual meets the requirements for any other such
17 exemption from the individual responsibility requirement or
18 penalty.
19 16. Transfer to the United States secretary of the treasury
20 all of the following:
21 a. A list of the individuals who are issued a certification
22 under subsection 15, paragraph "a", including the name and
23 taxpayer identification number of each individual.
24 b. The name and taxpayer identification number of each
25 individual who was an employee of an employer but who was
26 determined to be eligible for the premium tax credit using
27 the standards of the federal Act as codified at section
28 36B(c)(2)(C) of the Internal Revenue Code of 1986, because of
29 either of the following:
30 (1) The employer did not provide minimum essential health
31 benefits coverage.
32 (2) The employer provided minimum essential health benefits
33 coverage, but it was determined using the standards of the
34 federal Act, as codified at section 36B(c)(2)(C) of the
35 Internal Revenue Code of 1986, to either be unaffordable to

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1 the employee or not to provide the required minimum actuarial
2 value.

3 c. The name and taxpayer identification number of all of the
4 following:

5 (1) Each individual who notifies the marketplace under
6 section 1411(b)(4) of the federal Act that the individual has
7 changed employers.

8 (2) Each individual who ceases coverage under a qualified
9 health benefit plan during a plan year and the effective date
10 of that cessation.

11 17. Provide to each employer the name of each employee of
12 the employer described in subsection 16, paragraph "b", who
13 ceases coverage under a qualified health benefit plan during a
14 plan year and the effective date of the cessation.

15 18. Perform duties required of, or delegated to, the
16 marketplace by the secretary, the United States secretary
17 of the treasury, or the commissioner related to determining
18 eligibility for premium tax credits, reduced cost-sharing, or
19 individual responsibility requirement exemptions.

20 19. In consultation with the commissioner, review the
21 rate of premium growth of health benefit plans within the
22 marketplace and outside the marketplace, and consider the
23 information obtained in developing recommendations on whether
24 to continue limiting qualified employer status to small
25 employers.

26 Sec. 9. NEW SECTION. 514M.9 Navigators.

27 1. The marketplace may select entities qualified to serve as
28 navigators in accordance with section 1311(i) of the federal
29 Act, standards developed by the secretary, and applicable state
30 law, and award grants to enable navigators to do all of the
31 following:

32 a. Conduct public education activities to raise awareness of
33 the availability of qualified health benefit plans through the
34 marketplace.

35 b. Distribute fair and impartial information concerning

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1 enrollment in qualified health benefit plans, and the
2 availability of premium tax credits for which an individual
3 may be eligible using the standards of the federal Act, as
4 codified at section 36B(c)(2)(C) of the Internal Revenue Code
5 of 1986, and any cost-sharing reductions under section 1402 of
6 the federal Act.

7 *c.* Facilitate enrollment in qualified health benefit plans
8 offered through the marketplace or in health benefit plans
9 offered outside the marketplace by referring consumers to
10 insurance producers and to the marketplace internet site for
11 enrollment.

12 *d.* Provide referrals to the office of health insurance
13 consumer assistance established under the federal Act pursuant
14 to section 2793 of the federal Public Health Service Act
15 and the office of the commissioner or any other appropriate
16 state agency, for any enrollee with a grievance, complaint,
17 or question regarding the enrollee's health benefit plan or
18 coverage, or a determination under that plan or coverage.

19 *e.* Provide information in a manner that is culturally and
20 linguistically appropriate to the needs of the population being
21 served by the marketplace.

22 2. An entity selected as a navigator shall not engage in
23 any activities that require licensure as an insurance producer
24 under chapter 522B.

25 Sec. 10. NEW SECTION. 514M.10 Health benefit plan
26 certification.

27 1. The marketplace may certify a health benefit plan as
28 a qualified health benefit plan if the plan meets all of the
29 following criteria:

30 *a.* The plan provides the essential health benefit package
31 described in section 1302(a) of the federal Act, except that
32 the plan is not required to provide essential benefits that
33 duplicate the minimum benefits of qualified dental plans as
34 provided in subsection 6 if all of the following occur:

35 (1) The marketplace determines that at least one qualified

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1 dental plan is available to supplement the plan's coverage.

2 (2) The health carrier makes a prominent disclosure at the
3 time it offers the plan, in a form approved by the marketplace,
4 that the plan does not provide the full range of essential
5 pediatric benefits and that qualified dental plans providing
6 those benefits and other dental benefits not covered by the
7 plan are offered through the marketplace.

8 b. The premium rates and contract language have been
9 approved by the commissioner.

10 c. The plan provides at least a bronze level of coverage,
11 as that level is defined by the federal Act, unless the plan
12 is certified as a qualified catastrophic plan, meets the
13 requirements of the federal Act for catastrophic plans, and
14 will only be offered to individuals eligible for catastrophic
15 coverage.

16 d. The plan's cost-sharing requirements do not exceed the
17 limits established under section 1302(c)(1) of the federal Act,
18 and if the plan is offered through the small business health
19 options program component of the marketplace that offers plans
20 to small employers, the plan's deductible does not exceed the
21 limits established under section 1302(c)(2) of the federal Act.

22 e. The plan offers wellness programs.

23 f. The health carrier offering the plan provides greater
24 transparency and disclosure of information about the plan
25 benefits, provider networks, claim payment practices, and
26 solvency ratings, and establishes a process for consumers to
27 compare features of health benefit plans offered through the
28 marketplace.

29 g. The health carrier offering the plan meets all of the
30 following criteria:

31 (1) Is licensed and in good standing to offer health
32 insurance coverage in this state.

33 (2) Offers at least one qualified health benefit plan in the
34 silver level and at least one qualified health benefit plan in
35 the gold level, as those levels are defined in the federal Act,

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1 through each component of the marketplace in which the health
2 carrier participates, where component refers to the components
3 of the marketplace which offer individual coverage and coverage
4 for small employers.

5 (3) Charges the same premium rate for each qualified health
6 benefit plan without regard to whether the plan is offered
7 through the marketplace.

8 (4) Does not charge any termination of coverage fees or
9 penalties in violation of section 514M.7.

10 (5) Complies with the regulations developed by the
11 secretary under section 1311(d) of the federal Act, applicable
12 state laws, and such other requirements as the marketplace may
13 establish.

14 *h.* The plan meets the requirements of certification as
15 adopted by rule pursuant to this section and by the secretary
16 under section 1311(c) of the federal Act, which include but
17 are not limited to minimum standards in the areas of marketing
18 practices, network adequacy, essential community providers in
19 underserved areas, accreditation, quality improvement, uniform
20 enrollment forms and descriptions of coverage, and information
21 on quality measures for plan performance.

22 *i.* The marketplace determines that making the plan available
23 through the marketplace is in the interest of qualified
24 individuals and qualified employers in this state.

25 2. The marketplace shall not exclude a health benefit plan
26 from certification for any of the following reasons:

27 *a.* On the basis that the plan is a fee-for-service plan.

28 *b.* Through the imposition of premium price controls.

29 *c.* On the basis that the plan provides treatments necessary
30 to prevent patients' deaths in circumstances the marketplace
31 determines are inappropriate or too costly.

32 3. The marketplace shall require each health carrier
33 seeking certification of a health benefit plan as a qualified
34 health benefit plan to do all of the following:

35 *a.* Provide notice of any proposed premium increase and

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1 a justification for the increase to the marketplace and to
2 affected policyholders before implementation of that increase.
3 The health carrier shall prominently post the information
4 on its internet site. The marketplace shall take this
5 information, along with the information and the recommendations
6 provided to the marketplace by the commissioner under the
7 federal Act pursuant to section 2794(b) of the federal Public
8 Health Service Act and applicable state law, into consideration
9 when determining whether to allow the health carrier to make
10 plans available through the marketplace.

11 b. Make available to the public, in the format described in
12 paragraph "c", and submit to the marketplace, the secretary, and
13 the commissioner, accurate and timely disclosure of all of the
14 following:

- 15 (1) Claims payment policies and practices.
- 16 (2) Periodic financial disclosures.
- 17 (3) Data on enrollment.
- 18 (4) Data on disenrollment.
- 19 (5) Data on the number of claims that are denied.
- 20 (6) Data on rating practices.
- 21 (7) Information on cost-sharing and payments with respect
22 to any out-of-network coverage.
- 23 (8) Information on enrollee and participant rights under
24 Tit. I of the federal Act and applicable state law.
- 25 (9) Other information as determined appropriate by the
26 secretary, the marketplace, or the commissioner.

27 c. The information required in paragraph "b" shall be
28 provided in plain language, as that term is defined in section
29 1311(e) of the federal Act, as amended by section 10104 of the
30 federal Act, and applicable state law.

31 4. The marketplace shall permit individuals to learn,
32 in a timely manner upon the request of an individual, the
33 amount of cost-sharing, including deductibles, copayments, and
34 coinsurance, under the individual's health benefit plan or
35 coverage that the individual would be responsible for paying



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1 with respect to the furnishing of a specific item or service
2 by a participating provider. At a minimum, this information
3 shall be made available to the individual through an internet
4 site and through other means for individuals without access to
5 the internet.

6 5. The marketplace shall not exempt any health carrier
7 seeking certification of a health benefit plan, regardless of
8 the type or size of the health carrier, from applicable state
9 licensure or solvency requirements and shall apply the criteria
10 of this section in a manner that assures a level playing
11 field between or among health carriers participating in the
12 marketplace.

13 6. a. The provisions of this chapter that are applicable
14 to qualified health benefit plans shall also apply to the
15 extent relevant to qualified dental plans except as modified in
16 accordance with the provisions of paragraphs "b", "c", and "d"
17 or by rules adopted by the marketplace.

18 b. A health carrier shall be licensed to offer dental
19 coverage, but is not required to be licensed to offer other
20 health benefits.

21 c. A qualified dental plan shall be limited to dental and
22 oral health benefits, without substantially duplicating the
23 benefits typically offered by health benefit plans without
24 dental coverage and shall include, at a minimum, the essential
25 pediatric dental benefits prescribed by the secretary pursuant
26 to section 1302(b)(1)(J) of the federal Act, and such other
27 dental benefits as the marketplace or the secretary may specify
28 by regulation or rule.

29 d. A comprehensive plan may be offered through the
30 marketplace in which dental benefits are included either as
31 part of a qualified health benefit plan, or by a qualified
32 dental plan offered in conjunction with a qualified health
33 benefit plan, provided that the medical and dental benefits
34 offered by the comprehensive plan are priced separately and are
35 offered for purchase separately at the same price.

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1 Sec. 11. NEW SECTION. 514M.11 Funding — publication of
2 costs.

3 1. The marketplace may charge assessments or user fees to
4 health carriers that offer health benefit plans through the
5 marketplace or may otherwise generate the funding necessary to
6 support the operation of the marketplace, as provided pursuant
7 to the plan of operation of the marketplace.

8 2. The marketplace shall publish the average costs of
9 licensing, regulatory fees, and any other payments required
10 by the marketplace, and the administrative costs of the
11 marketplace, on an internet site for the purpose of educating
12 consumers about the costs of operating the marketplace. The
13 information provided shall include information on moneys lost
14 due to waste, fraud, and abuse of the health care system.

15 3. No state funding shall be appropriated or allocated
16 for the operation or administration of the marketplace. Any
17 assessments or user fees charged pursuant to this section
18 shall provide for the sharing of losses and expenses of the
19 marketplace on an equitable and proportionate basis among
20 health carriers in this state as provided in the plan of
21 operation of the marketplace.

22 Sec. 12. NEW SECTION. 514M.12 Rules.

23 In consultation with and subject to the approval of the
24 board, the commissioner shall adopt rules pursuant to chapter
25 17A to effectuate and administer the provisions of this
26 chapter. Rules adopted under this section shall not conflict
27 with or prevent the application of regulations promulgated by
28 the secretary under the federal Act.

29 Sec. 13. NEW SECTION. 514M.13 Advisory council.

30 1. The board shall establish an advisory council consisting
31 of various stakeholders including representatives from
32 the insurance industry, insurance producer organizations,
33 consumer advocacy groups, labor unions, employers, health care
34 providers, farmers, and other interested parties. The advisory
35 council shall meet when requested by the board.

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1 2. The advisory council shall offer input to the board
2 regarding rules proposed by the commissioner, the plan of
3 operation for the marketplace, and any other topics relevant
4 to the marketplace.

3. The board may alter the composition of the advisory council at any time to reflect changes in the interests of the various stakeholders.

8 Sec. 14. NEW SECTION. 514M.14 Annual report.

9 1. The marketplace shall submit an annual report to the
10 commissioner, governor, general assembly, and the auditor of
11 state by January 15. The report shall include an accurate
12 accounting of all the activities of the marketplace and of all
13 its receipts and expenditures during the prior fiscal year.

14 2. The report shall describe how the operations and
15 activities of the marketplace serve the interests of the state
16 and further the purposes set forth in this chapter.

17 Sec. 15. NEW SECTION. 514M.15 Relation to other laws.

18 This chapter, and action taken by the marketplace pursuant
19 to this chapter, shall not be construed to preempt or supersede
20 the authority of the commissioner to regulate the business
21 of insurance in this state. Except as expressly provided to
22 the contrary in this chapter, all health carriers offering
23 qualified health benefit plans in this state shall comply fully
24 with all applicable health insurance laws of this state and
25 rules adopted and orders issued by the commissioner.

26 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
27 of immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill provides for the establishment of the Iowa health
30 benefit marketplace.

31 The bill creates new Code chapter 514M, which provides for
32 the establishment of a health benefit marketplace to facilitate
33 the sale and purchase of qualified health benefit plans in
34 this state by qualified individuals in the individual market
35 and by qualified small employers in the small group market.

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1 The intent of establishing such a marketplace is to reduce
2 the number of uninsured individuals in this state, provide a
3 transparent marketplace and consumer education, and assist
4 individuals with access to programs, premium assistance tax
5 credits, and cost-sharing reductions.

6 For purposes of the bill, a qualified employer that can
7 participate in the small business health options program
8 component of the marketplace is an employer that employs an
9 average of one to 50 employees during the preceding calendar
10 year and elects to make its full-time employees, and at the
11 employer's option, some or all of its part-time employees,
12 eligible for one or more qualified health benefit plans offered
13 through the small business health options program component of
14 the marketplace. A qualified employer must either have its
15 principal place of business in this state and elect to provide
16 health coverage through the marketplace to all of its eligible
17 employees wherever employed, or elect to provide coverage
18 through the marketplace to all of its eligible employees who
19 are principally employed in this state.

20 The Iowa health benefit marketplace is established as a
21 nonprofit corporation. The marketplace shall be operated on
22 a statewide basis pursuant to a plan of operation established
23 and approved by its board of directors in consultation with
24 the commissioner of insurance. The marketplace shall include
25 separate components which facilitate the sale and purchase of
26 qualified health benefit plans to eligible individuals and to
27 small employers as described in new Code chapter 514M and the
28 federal Patient Protection and Affordable Care Act, as amended.
29 The marketplace may employ staff to carry out its duties but
30 no employees of the marketplace may offer services for which
31 a license as an insurance producer is required pursuant to
32 Code chapter 522B. The marketplace is also authorized to
33 contract with an eligible entity to fulfill any of its duties
34 or responsibilities as described in new Code chapter 514M.

35 The board of directors of the marketplace is comprised of

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1 seven voting members appointed by the governor for three-year
2 staggered terms with two representing the interests of small
3 business; three representing the interests of consumers; one
4 who is a licensed insurance producer; and one who is a health
5 care provider. The voting members must be appointed within 60
6 days of the effective date of new Code chapter 514M. There
7 are also five ex officio, nonvoting members of the board
8 including four members of the general assembly with one each
9 appointed by the speaker and the minority leader of the house
10 of representatives, and by the majority and minority leaders of
11 the senate, and including the secretary of the board.

12 The voting members of the board are required to appoint an
13 executive director, subject to confirmation by the senate, to
14 supervise the administrative affairs and general management
15 and operations of the marketplace. The board may appoint
16 other officers as the board deems necessary. The board is
17 also required to appoint a secretary of the board who keeps a
18 record of the board proceedings, is the custodian of all books,
19 documents, and papers filed with the board and of the minute
20 book or journal of the board.

21 The marketplace has all the general powers of a nonprofit
22 corporation that are necessary and convenient to carry out its
23 purposes and duties and to exercise its specific powers as
24 provided in new Code chapter 514M.

25 The marketplace is required to make qualified health
26 benefit plans that are effective on or before January 1, 2014,
27 available to qualified individuals and qualified employers in
28 the state. The specific duties and powers of the marketplace
29 are set forth in new Code chapter 514M.

30 The marketplace is authorized to select entities qualified
31 to act as navigators in accordance with the requirements
32 of state and federal law for the purpose of conducting
33 public education activities, distributing fair and impartial
34 information concerning enrollment in qualified health benefit
35 plans, facilitating such enrollment, providing referrals to the

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1 appropriate federal or state entity for grievances, complaints,
2 or questions regarding an enrollee's health benefit plan, and
3 providing culturally and linguistically appropriate information
4 to persons served by the marketplace. The marketplace is
5 authorized to certify a health benefit plan as a qualified
6 health benefit plan if the plan meets specified criteria.

7 The marketplace may charge assessments or user fees to
8 health carriers that offer health benefit plans through the
9 marketplace or otherwise generate the funding necessary to
10 support the operation of the marketplace as provided in the
11 marketplace's plan of operation. The marketplace is required
12 to publish the average costs of licensing, regulatory fees,
13 and any other payments required by the marketplace, as well
14 as the administrative costs of the marketplace on an internet
15 site for the purpose of educating consumers about the costs
16 of operating the marketplace. No state funding can be
17 appropriated or allocated for the operation or administration
18 of the marketplace. Any assessments or user fees charged must
19 provide for sharing the losses and expenses of the marketplace
20 on an equitable and proportionate basis among health carriers
21 in the state.

22 In consultation with and subject to the approval of the
23 board, the commissioner of insurance is required to adopt rules
24 pursuant to Code chapter 17A to effectuate and administer the
25 provisions of new Code chapter 514M. The board is required
26 to establish an advisory council consisting of various
27 stakeholders including representatives from the insurance
28 industry, insurance producer organizations, consumer advocacy
29 groups, labor unions, employers, health care providers,
30 farmers, and other interested parties. The council shall
31 offer input to the board regarding rules proposed by the
32 commissioner, the plan of operation for the marketplace, and
33 any other relevant topics.

34 The marketplace is required to submit an annual report to the
35 commissioner, governor, general assembly, and the auditor of

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1 state by January 15, which includes an accurate accounting of
2 all the activities of the marketplace and of all its receipts
3 and expenditures during the prior fiscal year. The report
4 shall also describe how the operations and activities of the
5 marketplace serve the interests of the state and further the
6 purposes of new Code chapter 514M.

7 The enactment of the Code chapter and actions taken by
8 the marketplace are not to be construed as preempting or
9 superseding the authority of the commissioner to regulate
10 insurance in this state.

11 The bill is effective upon enactment.



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Senate File 2043 - Introduced

SENATE FILE 2043
BY CHELGREN

A BILL FOR

1 An Act prohibiting the use of automated traffic law enforcement
2 systems, providing for temporary continuation of existing
3 automated traffic law enforcement programs, providing for
4 the disposition of fines, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5145XS (2) 84
dea/nh



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1 Section 1. NEW SECTION. 321.5A Automated traffic law
2 enforcement systems.

3 1. The department or a local authority shall not place
4 or cause to be placed on or adjacent to a street or highway,
5 or maintain or employ the use of, an automated traffic law
6 enforcement system for the enforcement of any provision of this
7 chapter or any local ordinance relating to vehicular traffic or
8 to prove a violation of any such provision or ordinance.

9 2. Notwithstanding subsection 1, a local authority that has
10 established an automated traffic law enforcement program prior
11 to the effective date of this Act shall terminate the program
12 at the earliest date possible as follows:

13 a. If the local authority has entered into a contract
14 for equipment or services relating to automated traffic
15 law enforcement systems prior to the effective date of
16 this Act, the city may continue to use an automated traffic
17 law enforcement system or systems to the extent necessary
18 to hold the city harmless under the terms of the existing
19 contract. A city that continues using an automated traffic law
20 enforcement system on or after the effective date of this Act,
21 as authorized under this paragraph, shall not extend or renew
22 a contract, or enter any new contract, for automated traffic
23 law enforcement system equipment or services on or after the
24 effective date of this Act.

25 b. Upon the expiration of all prior contracts for the use of
26 automated traffic law enforcement systems, a local authority's
27 ordinance authorizing the use of automated traffic law
28 enforcement systems is void. However, notices of violations
29 mailed or citations issued pursuant to such an ordinance prior
30 to the date the ordinance becomes void shall not be invalidated
31 under this section and shall be processed according to the
32 provisions of the law under which they were authorized.

33 3. For purposes of this section, "automated traffic law
34 enforcement system" means a device with one or more sensors
35 working in conjunction with a traffic control signal or device

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1 or a speed-measuring device to produce recorded images of
2 vehicles being operated in violation of traffic or speed laws.

3 Sec. 2. Section 364.3, subsection 2, Code Supplement 2011,
4 is amended to read as follows:

5 2. For a violation of an ordinance, a city shall not
6 provide a penalty in excess of the maximum fine and term of
7 imprisonment for a simple misdemeanor under section 903.1,
8 subsection 1, paragraph "a". Am Except as otherwise provided
9 in this section, an amount equal to ten percent of all
10 finest collected by cities shall be deposited in the account
11 established in section 602.8108. However, one

12 a. One hundred percent of all fines collected by a city
13 pursuant to section 321.236, subsection 1, shall be retained
14 by the city.

15 b. Civil fines collected by a city from the use of an
16 automated traffic law enforcement system shall be allocated as
17 follows:

18 (1) The amount necessary to satisfy contractual obligations
19 of the city relating to the use of automated traffic law
20 enforcement systems shall be retained by the city for that
21 purpose.

22 (2) Moneys in excess of the amount necessary for the purpose
23 specified in subparagraph (1) shall be deposited in the account
24 established in section 602.8108.

25 c. The criminal penalty surcharge required by section 911.1
26 shall be added to a city fine and is not a part of the city's
27 penalty.

28 Sec. 3. Section 602.8108, Code Supplement 2011, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 11. The clerk of the district court shall
31 forward to the treasurer of state, not later than the fifteenth
32 day of each month, all moneys received from cities pursuant to
33 section 364.3, subsection 2, paragraph "b", for deposit in the
34 road use tax fund.

35 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

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1 immediate importance, takes effect upon enactment.

2 EXPLANATION

3 This bill prohibits the use of automated traffic law
4 enforcement systems, except for the continuation of a city's
5 existing automated traffic law enforcement program for a
6 limited period.

7 Automated traffic law enforcement systems, commonly known
8 as "red light cameras" or "speed cameras", are devices with
9 one or more sensors which work in conjunction with a traffic
10 control signal or device or a speed-measuring device to produce
11 recorded images of vehicles being operated in violation of
12 traffic or speed laws.

13 Under the bill, the use of automated traffic law enforcement
14 systems is prohibited as of the effective date of the bill.
15 However, a local authority that currently uses automated
16 traffic law enforcement systems may continue the use of one
17 or more of those systems to the extent necessary to hold the
18 city harmless under the terms of any existing contracts for
19 equipment or services. A city may not extend or renew an
20 existing contract or enter into any new contract after the
21 effective date of the bill.

22 A local authority's ordinance authorizing the use of
23 automated traffic law enforcement systems shall become void
24 upon the expiration of all related contracts, but notices of
25 violations mailed or citations issued under that ordinance
26 shall not be invalidated and shall be processed according to
27 the prior law.

28 The bill directs that, from the civil fines collected by a
29 city from the use of automated traffic law enforcement systems,
30 the amount necessary to satisfy contractual obligations
31 relating to the use of the systems shall be retained by the
32 city. Moneys in excess of that amount are to be deposited in
33 the road use tax fund.

34 The bill is effective upon enactment.



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Senate File 2044 - Introduced

SENATE FILE 2044
BY RAGAN

A BILL FOR

1 An Act relating to the licensing of schools of cosmetology arts
2 and sciences.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5698XS (5) 84
jr/nh



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S.F. 2044

1 Section 1. Section 157.8, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. It is unlawful for a school of cosmetology arts and
4 sciences to operate unless the owner has obtained a license
5 issued by the department. The owner shall file a verified
6 application with the department on forms prescribed by the
7 board.

8 1A. a. The application for a license for a school shall
9 be accompanied by the annual license fee determined pursuant
10 to section 147.80 and shall state the name and location of the
11 school and such other additional information as the board may
12 require. The license is valid for one year and may be renewed.

13 b. The license shall contain a statement which provides that
14 the licensee is approved by the department as a provider of
15 postsecondary education.

16 c. A license for a school of cosmetology arts and sciences
17 shall not be issued for any space in any location where the
18 same space is also licensed as a barber school.

19 d. The school of cosmetology arts and sciences must pass a
20 sanitary inspection under section 157.6. An annual inspection
21 of each school of cosmetology arts and sciences, including the
22 educational activities of each school, shall be conducted and
23 completed by the board or its designee prior to renewal of the
24 license.

25 EXPLANATION

26 This bill provides that a license for a school of cosmetology
27 arts and sciences shall contain a statement which provides that
28 the licensee is approved by the department of public health as
29 a provider of postsecondary education.

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Senate File 2045 - Introduced

SENATE FILE 2045
BY BOWMAN

A BILL FOR

1 An Act exempting certain military personnel and veterans from a
2 requirement to complete a hunter safety and ethics education
3 course before obtaining a hunting license.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5727XS (4) 84
av/nh



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S.F. 2045

1 Section 1. Section 483A.27, subsection 5, Code 2011, is
2 amended to read as follows:

3 ~~5. a.~~ An officer of the department or a certified
4 instructor may issue a certificate to a person who has not
5 completed the hunter safety and ethics education course but
6 meets the criteria established by the commission.

7 b. An officer of the department shall issue a certificate
8 to a person who has not completed the hunter safety and ethics
9 education course if the person demonstrates to the officer,
10 pursuant to rules adopted by the commission under chapter 17A,
11 that the person meets either of the following criteria:

12 (1) The person is a member of the armed forces of the United
13 States who is serving on active duty and has passed a weapons
14 proficiency test.

15 (2) The person served in the armed forces of the United
16 States at any time, was discharged under honorable conditions,
17 and passed a weapons proficiency test.

18 EXPLANATION

19 This bill amends Code section 483A.27 to require an officer
20 of the department of natural resources to issue a certificate
21 of completion of the hunter safety and ethics education course,
22 which is required to obtain a hunting license, to a person who
23 demonstrates to the officer, as provided in rules adopted under
24 Code chapter 17A, either that the person is a member of the
25 armed forces of the United States on active duty who has passed
26 a weapons proficiency test, or that the person formerly served
27 in the armed forces, was discharged under honorable conditions,
28 and passed a weapons proficiency test.

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Senate File 2046 - Introduced

SENATE FILE 2046
BY HOGG

A BILL FOR

1 An Act establishing a property tax exemption for property
2 meeting specified energy efficiency and environmental
3 quality standards and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5273XS (8) 84
md/sc



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S.F. 2046

1 Section 1. Section 427.1, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 38. *Energy-efficient, sustainable*
4 *development, water saving, and environmental quality property.*

5 a. For assessment years beginning on or after January 1,
6 2013, the exemption provided under this subsection for each
7 eligible property is limited to one of the following:

8 (1) Two percent of the amount of actual value of the
9 permanent improvements to the property if the property was
10 certified by the United States green building council during
11 the previous five years as meeting or exceeding the LEED silver
12 rating.

13 (2) Five percent of the amount of actual value of the
14 permanent improvements to the property if the property was
15 certified by the United States green building council during
16 the previous five years as meeting or exceeding the LEED gold
17 rating.

18 (3) Ten percent of the amount of actual value of the
19 permanent improvements to the property if the property was
20 certified by the United States green building council during
21 the previous five years as meeting or exceeding the LEED
22 platinum rating.

23 b. For the purposes of this subsection:

24 (1) "*LEED silver rating*" means the United States green
25 building council leadership in energy and environmental design
26 green building rating system, version 3.0, referred to as the
27 silver standard.

28 (2) "*LEED gold rating*" means the United States green
29 building council leadership in energy and environmental design
30 green building rating system, version 3.0, referred to as the
31 gold standard.

32 (3) "*LEED platinum rating*" means the United States green
33 building council leadership in energy and environmental design
34 green building rating system, version 3.0, referred to as the
35 platinum standard.



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1 *c.* Each taxpayer claiming an exemption under this subsection
2 shall file with the assessor not later than February 1 of the
3 assessment year for which the exemption is first requested,
4 a statement upon forms to be prescribed by the director of
5 revenue specifying the applicable LEED rating that has been
6 certified for the property during the previous five years
7 by the United States green building council. The statement
8 shall be accompanied by other supporting documentation of the
9 certification as required by the department of revenue.

10 *d.* Once the exemption is granted, the exemption shall be
11 allowed for five assessment years without further filing so
12 long as the permanent improvements to the property continue to
13 meet the applicable LEED rating required for the exemption.
14 The taxpayer shall notify the assessing authority if during the
15 five-year exemption period, the property ceases to meet the
16 applicable LEED rating required for the exemption.

17 *e.* Following the expiration of the exemption under paragraph
18 "*d*", the property shall not be eligible for an exemption under
19 this subsection in any future assessment year.

20 Sec. 2. IMPLEMENTATION. Section 25B.7 shall not apply to
21 this Act.

22 Sec. 3. APPLICABILITY. This Act applies to assessment years
23 beginning on or after January 1, 2013.

24 EXPLANATION

25 This bill establishes a property tax exemption for property
26 meeting specified energy efficiency and environmental quality
27 standards. For assessment years beginning on or after January
28 1, 2013, the exemption provided in the bill for each eligible
29 property is limited to one of the following: (1) 2 percent
30 of the amount of actual value of the permanent improvements
31 to the property if the property was certified by the United
32 States green building council during the previous five years
33 as meeting or exceeding the LEED silver rating, as defined
34 in the bill; (2) 5 percent of the amount of actual value of
35 the permanent improvements to the property if the property

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1 was certified by the United States green building council
2 during the previous five years as meeting or exceeding the
3 LEED gold rating, as defined in the bill; and (3) 10 percent
4 of the amount of actual value of the permanent improvements
5 to the property if the property was certified by the United
6 States green building council during the previous five years
7 as meeting or exceeding the LEED platinum rating, as defined
8 in the bill.

9 The bill requires each taxpayer claiming an exemption
10 to file with the assessor not later than February 1 of the
11 assessment year for which the exemption is first requested,
12 a statement upon forms to be prescribed by the director of
13 revenue specifying the applicable LEED rating that has been
14 certified by the United States green building council during
15 the previous five years for the property. This statement must
16 also be accompanied by other supporting documentation of the
17 certification as required by the department of revenue.

18 If granted, the exemption continues for five assessment
19 years without further filing as long as the permanent
20 improvements to the property continue to meet the applicable
21 LEED rating required for the exemption. The taxpayer is
22 required to notify the assessing authority if during the
23 five-year exemption period, the property ceases to meet the
24 applicable LEED rating required for the exemption.

25 The bill provides that following expiration of the
26 exemption, the property is not eligible for the exemption under
27 the bill in any future assessment year.

28 The bill provides that the provisions in Code section 25B.7,
29 relating to the obligation of the state to reimburse local
30 jurisdictions for property tax credits and exemptions, do not
31 apply to the exemption in the bill.

32 The bill applies to assessment years beginning on or after
33 January 1, 2013.



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Senate File 2047 - Introduced

SENATE FILE 2047
BY ERNST

A BILL FOR

1 An Act relating to membership qualifications for city
2 commissions for areas of historical significance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5071XS (2) 84
aw/sc



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S.F. 2047

1 Section 1. Section 303.34, subsection 3, Code 2011, is
2 amended to read as follows:
3 3. A city may provide by ordinance for the establishment of
4 a commission to deal with matters involving areas of historical
5 significance but shall provide by ordinance for such commission
6 upon the enactment of the ordinance designating an area as
7 an area of historical significance as required in subsection
8 4. Upon the establishment of the commission the city shall
9 provide by ordinance for the method of appointment, the number,
10 and terms, of members of the commission and for the duties
11 and powers of the commission. The commission shall contain
12 not less than three members. The members of the commission
13 shall be appointed with due regard to proper representation of
14 residents and property owners of the city and their relevant
15 fields of knowledge including but not limited to history,
16 urban planning, architecture, archaeology, law, and sociology.
17 At least one resident of each designated area of historical
18 significance shall be appointed to the commission. One member
19 of the commission may be appointed who is not a resident
20 or property owner of the city if that member meets certain
21 professional qualification standards which shall be defined by
22 rule of the department. Cities with a population of more than
23 fifty thousand shall not appoint more than one-third of the
24 members to the commission of an area of historical significance
25 that are members of a city zoning commission appointed pursuant
26 to chapter 414. The commission shall have the power to approve
27 or deny applications for proposed alterations to exterior
28 features within an area designated as an area of historical
29 significance. An aggrieved party may appeal the commission's
30 action to the governing body of the city. If not satisfied by
31 the decision of the governing body, the party may appeal within
32 sixty days of the governing body's decision to the district
33 court for the county in which the designated area is located.
34 On appeal the governing body or the district court as the case
35 may be shall consider whether the commission has exercised its

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1 powers and followed the guidelines established by the law and
2 ordinance, and whether the commission's action was patently
3 arbitrary or capricious.

4

EXPLANATION

5 This bill allows for a city with a commission for areas of
6 historical significance to appoint one member to the commission
7 who is not a city resident or property owner if that member
8 meets certain professional qualification standards. The bill
9 provides that the professional qualification standards shall be
10 defined by rule of the department of cultural affairs.



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Senate File 2048 - Introduced

SENATE FILE 2048
BY ERNST

A BILL FOR

1 An Act exempting federal retirement pay received for military
2 service from the state individual income tax and including
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5062XS (2) 84
mm/sc



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S.F. 2048

1 Section 1. Section 422.7, Code Supplement 2011, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by the taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or national guard.
7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2012, for tax years beginning on
11 or after that date.

12

EXPLANATION

13 This bill exempts from the individual income tax all
14 retirement pay from federal military service in the armed
15 forces, the military reserve, or national guard. The exemption
16 is in addition to the general pension exclusion.
17 The bill applies retroactively to January 1, 2012, for tax
18 years beginning on or after that date.



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Senate File 2049 - Introduced

SENATE FILE 2049
BY ERNST

A BILL FOR

1 An Act providing an exemption from the computation of the state
2 individual income tax of all pay, including retirement pay,
3 received from the federal government for military service
4 and including retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5061XS (2) 84
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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S.F. 2049

1 Section 1. Section 422.7, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by the taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or national guard.

7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.

9 Sec. 2. Section 422.7, subsection 42A, Code Supplement
10 2011, is amended to read as follows:

11 42A. Subtract, to the extent included, all pay received by
12 the taxpayer from the federal government for military service
13 ~~performed while on active duty status~~ in the armed forces, the
14 armed forces military reserve, or the national guard.

15 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
16 retroactively to January 1, 2012, for tax years beginning on
17 or after that date.

18 EXPLANATION

19 This bill exempts from the individual income tax all pay,
20 including retirement pay, received by a taxpayer from the
21 federal government for military service in the armed forces,
22 the armed forces military reserve, or national guard.

23 The bill applies retroactively to January 1, 2012, for tax
24 years beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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Senate File 2050 - Introduced

SENATE FILE 2050
BY HOGG

A BILL FOR

1 An Act increasing the amount of generating capacity eligible
2 for the renewable energy tax credit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5686SS (4) 84
rn/sc



Iowa General Assembly
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S.F. 2050

1 Section 1. Section 476C.3, subsection 4, Code Supplement
2 2011, is amended to read as follows:
3 4. a. The maximum amount of nameplate generating capacity
4 of all wind energy conversion facilities the board may find
5 eligible under this chapter shall not exceed three hundred
6 sixty-three megawatts of nameplate generating capacity.
7 Beginning January 1, 2015, through December 31, 2019, this
8 maximum shall be increased each year by fifteen megawatts over
9 the maximum in the previous year. Beginning January 1, 2020,
10 the maximum amount of nameplate generating capacity of all
11 wind energy conversion facilities the board may find eligible
12 under this chapter shall not exceed four hundred thirty-eight
13 megawatts of nameplate generating capacity.
14 b. The maximum amount of energy production capacity
15 equivalent of all other facilities the board may find eligible
16 under this chapter shall not exceed a combined output of
17 fifty-three megawatts of nameplate generating capacity and
18 one hundred sixty-seven billion British thermal units of
19 heat for a commercial purpose. Beginning January 1, 2015,
20 through December 31, 2019, this maximum shall be increased
21 each year by the energy production capacity equivalent of a
22 combined output of five megawatts, and the British thermal unit
23 equivalent, over the maximum in the previous year. Beginning
24 January 1, 2020, the maximum amount of energy production
25 capacity equivalent of all other facilities the board may find
26 eligible under this chapter shall not exceed seventy-eight
27 megawatts of nameplate generating capacity, and the British
28 thermal unit equivalent. Of the maximum amount of energy
29 production capacity equivalent of all other facilities found
30 eligible under this chapter, no more than ten megawatts of
31 nameplate generating capacity or energy production capacity
32 equivalent shall be allocated to any one facility. Of the
33 maximum amount of energy production capacity equivalent of all
34 other facilities found eligible under this chapter, fifty-five
35 billion British thermal units of heat for a commercial purpose

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1 shall be reserved for an eligible facility that is a refuse
2 conversion facility for processed, engineered fuel from a
3 multicounty solid waste management planning area. The maximum
4 amount of energy production capacity the board may find
5 eligible for a single refuse conversion facility is fifty-five
6 billion British thermal units of heat for a commercial purpose.
7 Of the maximum amount of energy production capacity equivalent
8 of all other facilities found eligible under this chapter, an
9 amount equivalent to ten megawatts of nameplate generating
10 capacity shall be reserved for eligible renewable energy
11 facilities incorporated within or associated with an ethanol
12 cogeneration plant engaged in the sale of ethanol to states to
13 meet a low carbon fuel standard.

14 EXPLANATION

15 This bill relates to the maximum amount of generating
16 capacity of renewable energy facilities eligible for the
17 renewable energy tax credit provided in Code chapter 476C.
18 Currently, the maximum amount of nameplate generating
19 capacity of all wind energy conversion facilities the Iowa
20 utilities board may find eligible for the tax credit shall not
21 exceed 363 megawatts of nameplate generating capacity. The
22 bill provides that beginning January 1, 2015, this maximum
23 shall be increased by 15 megawatts annually, with the last
24 increase occurring January 1, 2019. Also, currently, the
25 maximum amount of energy production capacity equivalent of
26 nonwind renewable energy facilities the board may find eligible
27 for the tax credit shall not exceed a combined output of 53
28 megawatts of nameplate generating capacity and 167 billion
29 British thermal units of heat for a commercial purpose. The
30 bill similarly provides that beginning January 1, 2015, this
31 maximum shall be increased by the energy production capacity
32 equivalent of a combined output of five megawatts and the
33 British thermal unit equivalent annually, with the last
34 increase occurring January 1, 2019. The bill specifies the
35 resulting maximum amounts of capacity applicable each year

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1 beginning January 1, 2020.



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Senate Study Bill 3068 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act creating the hire a hero tax credit and including
2 retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5397XC (3) 84
aw/sc



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S.F. _____

1 Section 1. NEW SECTION. **422.11I Hire a hero tax credit.**
2 1. The taxes imposed under this division, less the credits
3 allowed under section 422.12, shall be reduced by a hire a hero
4 tax credit. An employer who hires and employs an eligible
5 employee is eligible to claim the tax credit.
6 2. As used in this section:
7 *a. "Eligible employee"* means a member of the national
8 guard, as that term is defined in section 29A.1, employed on
9 a permanent full-time or part-time basis for at least one
10 thousand five hundred hours, on an annualized basis, and at
11 least thirty hours per week each week during the tax year.
12 The national guard member shall not be an eligible employee
13 if the national guard member was hired to replace a national
14 guard member whose employment was terminated within the
15 twelve-month period preceding the date of first employment,
16 unless the national guard member being replaced left employment
17 voluntarily without good cause attributable to the employer
18 or the national guard member was discharged for misconduct in
19 connection with the national guard member's employment.
20 *b. "Employer"* includes a self-employed person who meets the
21 definition of eligible employee.
22 *c. "Military service"* means federal service, state active
23 duty, or state military service as defined in section 29A.1.
24 3. The allowable credit shall be an amount equal to the sum
25 of the following:
26 *a.* One thousand dollars for each eligible employee hired for
27 employment in this state during the tax year.
28 *b.* Five hundred dollars for each eligible employee employed
29 in this state during a tax year subsequent to the tax year that
30 the employee was hired for employment in this state.
31 *c.* In addition to the credit amount in paragraph "a" or "b",
32 five hundred dollars for each eligible employee who performs at
33 least thirty days of military service during the tax year while
34 employed by the employer.
35 4. Any credit in excess of the tax liability shall be

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1 refunded. In lieu of claiming a refund, a taxpayer may
2 elect to have the overpayment shown on the taxpayer's final,
3 completed return credited to the tax liability for the
4 following tax year.

5 5. An individual may claim the tax credit allowed a
6 partnership, limited liability company, S corporation, estate,
7 or trust electing to have the income taxed directly to the
8 individual. The amount claimed by the individual shall be
9 based upon the pro rata share of the individual's earnings of a
10 partnership, limited liability company, S corporation, estate,
11 or trust.

12 Sec. 2. Section 422.33, Code Supplement 2011, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 11. The taxes imposed under this division
15 shall be reduced by a hire a hero tax credit. The taxpayer
16 shall claim the tax credit according to the same requirements
17 and calculated in the same manner as provided in section
18 422.11I.

19 Sec. 3. Section 422.60, Code Supplement 2011, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 14. The taxes imposed under this division
22 shall be reduced by a hire a hero tax credit. The taxpayer
23 shall claim the tax credit according to the same requirements
24 and calculated in the same manner as provided in section
25 422.11I.

26 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
27 retroactively to January 1, 2012, for eligible employees hired
28 or employed on or after that date.

29 EXPLANATION

30 This bill creates the hire a hero tax credit for purposes
31 of the state individual and corporate income taxes and the
32 franchise tax. The tax credit is available for employers
33 in the amount of \$1,000 per eligible employee for the year
34 in which the eligible employee is hired, \$500 for each year
35 of employment subsequent to the year of hiring, and \$500

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1 for each year an eligible employee is called to at least 30
2 days of military service. Eligible employees are members of
3 the national guard who are employed full-time or at least 30
4 hours per week permanent part-time. The bill provides that
5 a national guard member shall not be an eligible employee if
6 the national guard member was hired to replace a national
7 guard member whose employment was terminated in the previous
8 12 months unless the national guard member being replaced
9 left voluntarily or was discharged for misconduct. The tax
10 credit applies retroactively to tax years beginning on or after
11 January 1, 2012.



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Senate Study Bill 3069 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON BEALL)

A BILL FOR

1 An Act requiring the commission of veterans affairs to take
2 certain actions related to a plan to establish a veterans
3 national recovery center in Newton, and including effective
4 date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5770SC (2) 84
aw/nh



Iowa General Assembly
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S.F. _____

1 Section 1. COMMISSION OF VETERANS AFFAIRS — STUDY
2 REGARDING VETERANS NATIONAL RECOVERY CENTER.

3 1. The commission of veterans affairs shall conduct a study
4 of the business plan for the repurposing of the former Maytag
5 headquarters complex in Newton, submitted to the commission by
6 the veterans national recovery center, doing business as the
7 veterans national careers corporation.

8 2. The commission of veterans affairs shall submit the
9 business plan for review and certification by a certified
10 public accountant.

11 3. The commission of veterans affairs shall fund the
12 costs of such study, review, and certification with moneys
13 appropriated to the commission from the veterans license fee
14 fund pursuant to section 35A.11.

15 4. The commission on veterans affairs shall provide the
16 results of the commission's study and any relevant materials
17 produced in the review and certification to the governor and
18 the general assembly, with a copy to the veterans national
19 recovery center, doing business as the veterans national
20 careers corporation, by June 1, 2012.

21 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 This bill requires that the commission of veterans affairs
25 take certain actions related to a plan to establish a veterans
26 national recovery center in Newton.

27 The bill requires that the commission conduct a study
28 of the business plan for the repurposing of the Maytag
29 headquarters complex in Newton, submitted to the commission
30 by the veterans national recovery center, doing business as
31 the veterans national careers corporation. The bill requires
32 the commission of veterans affairs to have the business plan
33 reviewed and certified by a certified public accountant. The
34 commission shall pay for the costs of such study, review, and
35 certification with moneys appropriated to the commission from

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1 the veterans license fee fund, established in Code section
2 35A.11. The bill also requires that the commission of veterans
3 affairs provide the results of the study and any relevant
4 materials produced in the review and certification to the
5 governor and the general assembly, with a copy to the veterans
6 national recovery center, by June 1, 2012.
7 The bill takes effect upon enactment.



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Senate Study Bill 3070 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act relating to meeting requirements for rural water
2 districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5600SC (2) 84
aw/nh



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S.F. _____

1 Section 1. Section 357A.8, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. For an annual meeting of participating members ~~between~~
4 ~~January 1 and May 1~~ by July 31 of each year following the
5 year of incorporation of the district, and for the mailing of
6 written notice of the time and place of each annual meeting to
7 each participating member and publication of the notice in a
8 newspaper of general circulation in the district not less than
9 ten nor more than thirty days prior to each meeting.

10 EXPLANATION

11 This bill relates to meeting requirements for rural water
12 districts. The bill provides that the bylaws of each rural
13 water district are required to include provisions for an
14 annual meeting of participating members by July 31 of each
15 year following the incorporation of the district. Current law
16 requires that the annual meeting occur between January 1 and
17 May 1 of each year.



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Senate Study Bill 3071 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

A BILL FOR

1 An Act relating to and making supplemental appropriations
2 for the fiscal year beginning July 1, 2011, and including
3 effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5524XG (5) 84
jp/tm



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1 Section 1. 2011 Iowa Acts, chapter 134, section 3, is
2 amended to read as follows:
3 SEC. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.
4 1. There is appropriated from the general fund of the
5 state to the department of corrections for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amounts, or so much thereof as is necessary, to be used for the
8 operation of adult correctional institutions, reimbursement
9 of counties for certain confinement costs, and federal prison
10 reimbursement, to be allocated as follows:
11 a. For the operation of the Fort Madison correctional
12 facility, including salaries, support, maintenance, and
13 miscellaneous purposes:
14 \$ ~~41,031,283~~
15 42,292,031
16 b. For the operation of the Anamosa correctional facility,
17 including salaries, support, maintenance, and miscellaneous
18 purposes:
19 \$ ~~31,985,974~~
20 32,168,148
21 c. For the operation of the Oakdale correctional facility,
22 including salaries, support, maintenance, and miscellaneous
23 purposes:
24 \$ ~~55,594,426~~
25 56,589,899
26 d. For the operation of the Newton correctional facility,
27 including salaries, support, maintenance, and miscellaneous
28 purposes:
29 \$ ~~25,958,757~~
30 26,601,701
31 e. For the operation of the Mt. Pleasant correctional
32 facility, including salaries, support, maintenance, and
33 miscellaneous purposes:
34 \$ ~~25,917,815~~
35 26,321,902

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1 f. For the operation of the Rockwell City correctional
2 facility, including salaries, support, maintenance, and
3 miscellaneous purposes:
4 \$ 9,316,466
5 g. For the operation of the Clarinda correctional facility,
6 including salaries, support, maintenance, and miscellaneous
7 purposes:
8 \$ 24,482,356
9 Moneys received by the department of corrections as
10 reimbursement for services provided to the Clarinda youth
11 corporation are appropriated to the department and shall be
12 used for the purpose of operating the Clarinda correctional
13 facility.
14 h. For the operation of the Mitchellville correctional
15 facility, including salaries, support, maintenance, and
16 miscellaneous purposes:
17 \$ 15,615,374
18 i. For the operation of the Fort Dodge correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ 29,062,235
22 j. For reimbursement of counties for temporary confinement
23 of work release and parole violators, as provided in sections
24 901.7, 904.908, and 906.17, and for offenders confined pursuant
25 to section 904.513:
26 \$ 775,092
27 1,075,092
28 k. For federal prison reimbursement, reimbursements for
29 out-of-state placements, and miscellaneous contracts:
30 \$ ~~239,411~~
31 484,411
32 l. For three correctional officer full-time equivalent
33 positions that are to be assigned to a correctional institution
34 by the director of the department of corrections:
35 \$ 157,162

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1 2. The department of corrections shall use moneys
2 appropriated in subsection 1 to continue to contract for the
3 services of a Muslim imam and a Native American spiritual
4 leader.

5 DEPARTMENT OF CORRECTIONS — ADMINISTRATION

6 Sec. 2. 2011 Iowa Acts, chapter 134, section 4, subsection
7 1, unnumbered paragraph 1, is amended to read as follows:

8 For general administration, including salaries, support,
9 maintenance, employment of an education director to administer
10 a centralized education program for the correctional system,
11 and miscellaneous purposes:

12 \$ 4,835,542
13 5,181,582

14 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

15 Sec. 3. 2011 Iowa Acts, chapter 134, section 5, subsection
16 1, is amended to read as follows:

17 1. There is appropriated from the general fund of the state
18 to the department of corrections for the fiscal year beginning
19 July 1, 2011, and ending June 30, 2012, for salaries, support,
20 maintenance, and miscellaneous purposes, the following amounts,
21 or so much thereof as is necessary, to be allocated as follows:

22 a. For the first judicial district department of
23 correctional services:

24 \$ ~~12,204,948~~
25 12,658,088

26 b. For the second judicial district department of
27 correctional services:

28 \$ 10,336,948

29 c. For the third judicial district department of
30 correctional services:

31 \$ ~~5,599,765~~
32 5,952,381

33 d. For the fourth judicial district department of
34 correctional services:

35 \$ 5,391,355

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1 e. For the fifth judicial district department of
2 correctional services, including funding for electronic
3 monitoring devices for use on a statewide basis:

4 \$ 18,742,129

5 f. For the sixth judicial district department of
6 correctional services:

7 \$ ~~13,112,563~~

8	13,712,506
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9 g. For the seventh judicial district department of
10 correctional services:

11 \$ ~~6,492,814~~

12	6,716,588
----	-----------

13 h. For the eighth judicial district department of
14 correctional services:

15 \$ ~~6,879,715~~

16 7,372,419

17 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill makes supplemental appropriations from the general
21 fund of the state for fiscal year 2011-2012 to the department
22 of corrections. The following appropriations made in 2011 Iowa
23 Acts, chapter 134 (SF 510), to the department are addressed:
24 correctional facilities, administration, and judicial
25 district departments of correctional services (community-based
26 corrections or CBCs).

27 The bill takes effect upon enactment.



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Senate Study Bill 3072 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ECONOMIC
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to economic development by making technical
2 and policy changes related to environmental response
3 projects and to certain programs administered by the
4 economic development authority and including retroactive
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5263DP (7) 84
ad/sc



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1 DIVISION I
2 TARGETED JOBS WITHHOLDING ELIGIBILITY
3 Section 1. Section 403.19A, subsection 1, paragraph a, Code
4 Supplement 2011, is amended to read as follows:
5 a. "Business" means any an enterprise that is located in
6 this state and that is operated for profit and under a single
7 management. "Business" includes professional services, or
8 industrial enterprise, including and industrial enterprises,
9 including but not limited to medical treatment facilities,
10 manufacturing facilities, corporate headquarters, and research
11 facilities. "Business" does not include a retail operation, a
12 government entity, or a business which closes or substantially
13 reduces its operation in one area of this state and relocates
14 substantially the same operation to another area of this state.

15 DIVISION II
16 ACCELERATED CAREER EDUCATION PHYSICAL INFRASTRUCTURE PROJECTS
17 Sec. 2. Section 260G.6, subsections 1, 3, and 4, Code
18 Supplement 2011, are amended to read as follows:
19 1. An accelerated career education fund is established
20 in the state treasury ~~under the control of the economic~~
21 ~~development authority~~ consisting of moneys appropriated to the
22 ~~authority fund~~ for purposes of funding the cost of accelerated
23 career education program capital projects.
24 3. If moneys are appropriated by the general assembly to
25 support program capital costs, the moneys shall be allocated
26 ~~according to rules adopted by the economic development~~
27 ~~authority pursuant to chapter 17A~~ equally to each community
28 college.
29 4. ~~In order to receive moneys pursuant to this section,~~
30 ~~a program agreement approved by the community college board~~
31 ~~of directors shall be in place, program capital cost requests~~
32 ~~shall be approved by the economic development authority~~
33 ~~created in section 15.105, and employer contributions toward~~
34 ~~program capital costs shall be certified and agreed to in the~~
35 ~~agreement. Program capital cost requests shall be approved~~

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1 ~~or denied not later than sixty days following receipt of the~~
2 ~~request by the economic development authority.~~

3 DIVISION III

4 IOWA INNOVATION COUNCIL

5 Sec. 3. Section 15.117A, subsection 2, Code Supplement
6 2011, is amended by adding the following new paragraph:
7 NEW PARAGRAPH. c. A vacancy on the council shall be filled
8 in the same manner as the original selection and shall be for
9 the remainder of the term.

10 DIVISION IV

11 ENTERPRISE ZONE CERTIFICATION SUNSET

12 Sec. 4. Section 15E.192, subsection 4, paragraph b, Code
13 Supplement 2011, is amended to read as follows:
14 b. A county or city may apply to the authority for an area
15 to be certified as an enterprise zone at any time prior to July
16 1, ~~2012~~ 2014. However, the total amount of land designated as
17 enterprise zones under subsection 1, and any other enterprise
18 zones certified by the authority, excluding those approved
19 pursuant to subsection 2 and section 15E.194, subsections 3 and
20 5, shall not exceed in the aggregate one percent of the total
21 county area.

22 DIVISION V

23 ENVIRONMENTAL RESPONSE PROJECTS

24 Sec. 5. Section 455I.2, subsection 5, unnumbered paragraph
25 1, Code 2011, is amended to read as follows:

26 "*Environmental response project*" means a plan or work
27 performed for environmental remediation or flood control
28 affecting real property and conducted under or by one of the
29 following:

30 Sec. 6. Section 455I.11, subsection 3, Code 2011, is amended
31 to read as follows:

32 3. A person is not responsible for or subject to liability
33 for environmental remediation or flood control solely because
34 it has the right to enforce an environmental covenant.

35 Sec. 7. RETROACTIVE APPLICABILITY AND COVENANT VALIDITY.

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1 1. This division of this Act applies retroactively to
2 an instrument entered into on or after July 1, 1992, and
3 before the effective date of this division of this Act, if the
4 instrument meets the following requirements:

5 a. The instrument creates restrictions or obligations with
6 respect to flood control affecting real property that would
7 qualify as activity and use limitations under chapter 455I, as
8 amended in this division of this Act.

9 b. A grantor or holder or a party to or beneficiary of
10 the instrument, as named in the instrument, files by July 1,
11 2013, in the office of the recorder of deeds of the county in
12 which the real estate is situated, a statement in writing, duly
13 acknowledged, doing all of the following:

14 (1) Definitely describing the real estate involved and
15 the originally recorded instrument creating the restrictions
16 or obligations with respect to flood control affecting real
17 property.

18 (2) Declaring that such instrument is an environmental
19 covenant for purposes of chapter 455I, as amended in this
20 division of this Act.

21 2. An instrument meeting the requirements of this section of
22 this division of this Act is valid and enforceable under the
23 provisions of chapter 455I, as amended in this division of this
24 Act, and the validity of the environmental covenant established
25 by the instrument is not impaired by section 558.68 or 614.24.

26 DIVISION VI

27 REGIONAL SPORTS AUTHORITY DISTRICTS

28 Sec. 8. Section 15E.321, subsection 2, Code Supplement
29 2011, is amended to read as follows:

30 2. a. A convention and visitors bureau may apply to the
31 authority for certification of a regional sports authority
32 district which may include more than one city and more than
33 one convention and visitors bureau within the district. The
34 authority shall not certify more than ten such districts.

35 b. If more than ten applications are received in any



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1 certification year, the authority shall certify the districts
2 on a competitive basis. In evaluating the applications for
3 certification, the authority shall consider the economic impact
4 to the state of the activities proposed in the application, the
5 geographic diversity of the districts applying, and any other
6 factors the authority deems relevant.

7 DIVISION VII

8 CONFIDENTIAL INFORMATION

9 Sec. 9. Section 15.118, subsection 2, Code Supplement 2011,
10 is amended to read as follows:

11 2. All information contained in an application for
12 financial assistance submitted to the authority shall remain
13 confidential while the authority is reviewing the application,
14 processing requests for confidentiality, negotiating with the
15 applicant, and preparing the application for consideration by
16 the director or the board. The authority may release certain
17 information in an application for financial assistance to a
18 third party for technical review. If the authority releases
19 such information to a third party, the authority shall ensure
20 that the third party protects such information from public
21 disclosure. After the authority has considered a request for
22 confidentiality pursuant to subsection 3, any information not
23 deemed confidential shall be made publicly available. Any
24 information deemed confidential by the authority shall also
25 be kept confidential during and following administration of
26 a contract executed pursuant to a successful application.
27 Information deemed confidential may be treated as such for as
28 long as the authority deems necessary to protect an applicant's
29 competitive position, and the confidential treatment of the
30 information shall apply whether the authority is in possession
31 of the information or whether the information has been sent to
32 off-site storage or to the state archivist.

33 DIVISION VIII

34 EMPLOYEES ELIGIBLE FOR JOBS TRAINING PROGRAMS

35 Sec. 10. Section 260E.2, subsection 6, Code 2011, is amended

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1 to read as follows:

2 6. "Employee" means the person employed in a new
3 job. "Employee" does not include a person with executive
4 responsibilities or a person not subject to the withholding of
5 Iowa income pursuant to a reciprocal agreement under section
6 422.8, subsection 5.

7 Sec. 11. Section 260F.2, subsection 6, Code Supplement
8 2011, is amended to read as follows:

9 6. "Employee" means a person currently employed by a
10 business who is to be trained. However, "employee" does not
11 include a person with executive responsibilities or replacement
12 workers who are hired as a result of a strike, lockout, or
13 other labor dispute in Iowa.

14 EXPLANATION

15 This bill makes technical and policy changes relating
16 to environmental response projects and certain programs
17 administered by the economic development authority (EDA).

18 Division I of the bill amends the definition of "business"
19 under Code section 403.19A, which determines the eligibility
20 of an entity to enter into an agreement with a pilot project
21 city under the targeted jobs withholding credit program. The
22 bill adds that a business for purposes of the targeted jobs
23 withholding credit program is a for-profit enterprise that
24 is located within the state and that operates under single
25 management. The bill provides that a government entity does
26 not constitute a business for purposes of the program.

27 Division II of the bill amends Code section 260G.6 to provide
28 that the EDA would not control the accelerated career education
29 fund, and appropriations for accelerated career education would
30 be directed to the fund rather than the EDA. The bill states
31 that moneys appropriated by the general assembly for program
32 capital costs shall be allocated equally to each community
33 college rather than requiring the EDA to allocate the moneys.
34 The bill strikes language that requires a program agreement to
35 be in place. The bill strikes language that would require the

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1 EDA to approve program capital cost requests.

2 Division III of the bill amends Code section 15.117A to
3 require a vacancy on the Iowa innovation council be filled
4 for the remainder of the term in the same manner in which the
5 original selection was made.

6 Division IV of the bill amends Code section 15E.192 to allow
7 counties or cities to apply to the EDA to be certified as an
8 enterprise zone any time prior to July 1, 2014, rather than
9 July 1, 2012.

10 Division V of the bill amends Code section 455I.2 defining
11 an environmental response project to include a plan or
12 work performed for flood control. Current law and the bill
13 exempt a flood covenant that meets certain standards from
14 the requirement that certain conveyances containing land use
15 restrictions be renewed every 21 years. Under the bill, a
16 flood covenant can be exempted if a grantor or holder or
17 any party to or beneficiary of the flood control covenant,
18 who is named in the document creating the flood control
19 covenant, files a written statement that is duly acknowledged
20 and definitely describes the real estate involved in the
21 original recorded flood control covenant and describes the
22 originally recorded flood control covenant. The written
23 statement must also declare that the flood control covenant is
24 an environmental covenant for purposes of Code chapter 455I.
25 Division V applies retroactively to eligible flood control
26 covenants entered into on or after July 1, 1992, and before the
27 effective date of this division of this Act.

28 Division VI of the bill amends Code section 15E.321 to
29 include criteria for the EDA to consider when determining
30 whether to certify a regional sports authority district when
31 more than 10 applications for certification are received.

32 Division VII of the bill amends Code section 15.118 to add
33 that an applicant's confidential information contained in an
34 application for financial assistance may remain confidential
35 as long as necessary to protect the applicant's competitive



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1 position. The bill also provides that the information's
2 confidential status and treatment applies regardless of
3 whether the authority has possession of the information or the
4 information has been sent to off-site storage or the state
5 archivist.

6 Division VIII of the bill amends Code sections 260E.2 and
7 260F.2 regarding the definition of an employee for purposes
8 of the industrial new jobs training and the jobs training
9 programs, respectively. The bill provides that an employee
10 for purposes of eligibility for the jobs training program and
11 the industrial jobs training program does not include a person
12 with executive responsibilities. The bill also provides that a
13 person not subject to withholding of Iowa income tax because
14 of a reciprocal withholding agreement with another state does
15 not qualify as an employee for purposes of eligibility for the
16 industrial jobs training program.